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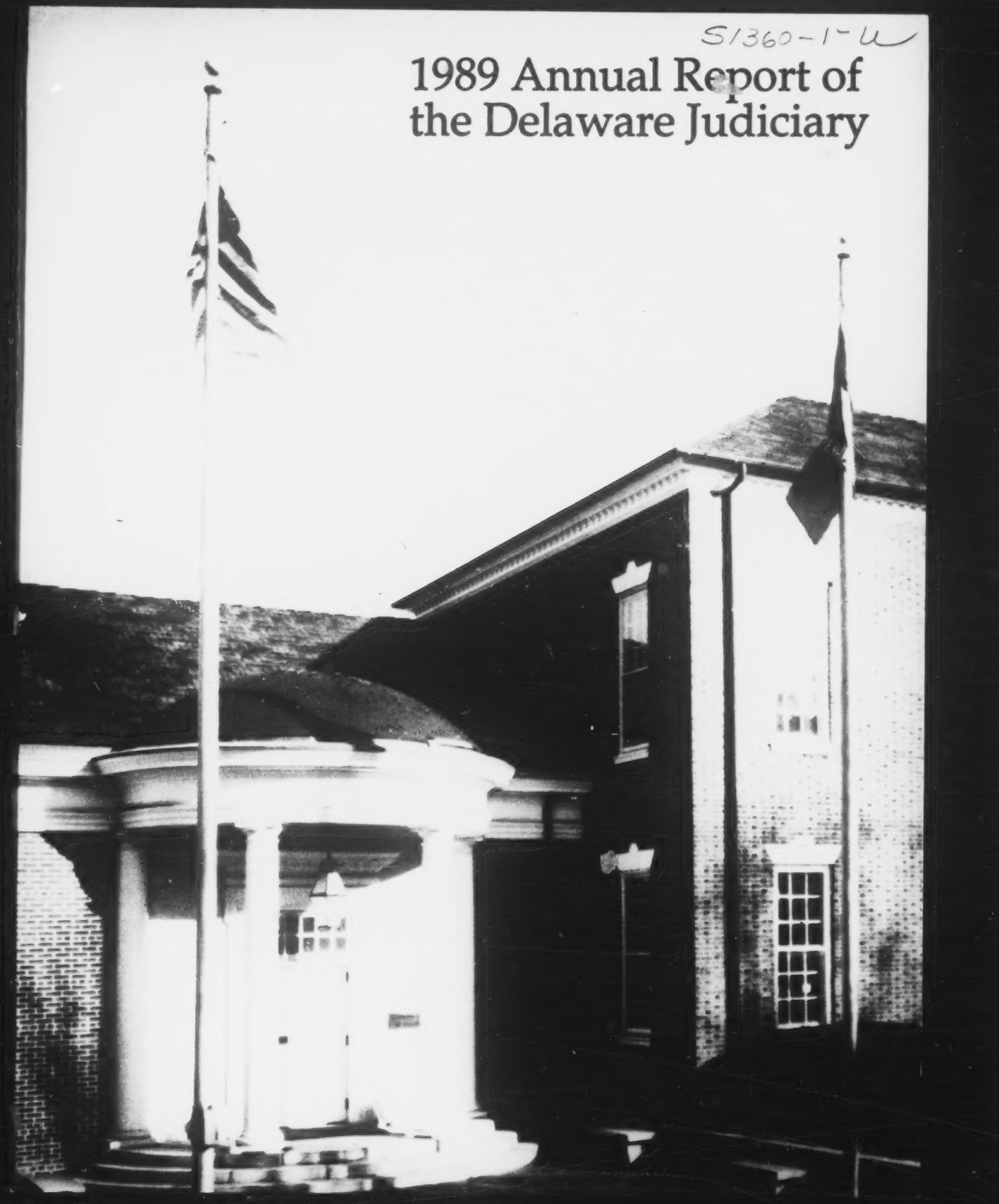
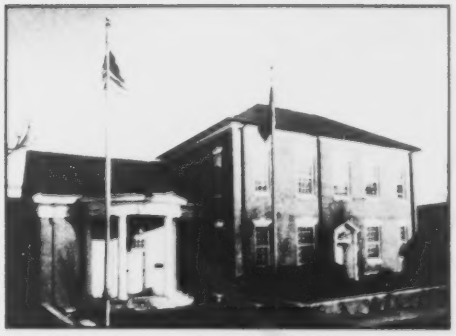
1989 Annual Report of the Delaware Judiciary





About the Cover . . .
The Supreme Court Building,
located on the Green
in Dover, Delaware.

1989 Annual Report of the Delaware Judiciary

(July 1, 1988 – June 30, 1989)

Honorable Andrew D. Christie
Chief Justice of Delaware

Prepared by the

Administrative Office of the Courts

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Statistician

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Letter from the Chief Justice

I am pleased to present the *1989 Annual Report of the Delaware Judiciary*. This document reviews the activities of the courts, provides information on developments within the judicial system, and includes an outline of some of the needs for the coming year.

Fiscal Year 1989 was marked by increases in the caseloads of almost every court to record levels. The increase in caseloads was such a substantial new burden that it has slowed the efforts of the Judiciary to cut time-lags in all areas of litigation.

The General Assembly enacted significant legislation during the past year, including a law which authorized an additional Vice Chancellor for the Court of Chancery. This measure was passed in response to the dramatic increase in caseloads which that Court has recently experienced. A constitutional amendment was also approved which provides that future Prothonotaries of the Superior Court are to be appointed by that Court. These administrative officials were formerly involved in politics because they were elected. The Delaware court system will be better able to meet its responsibilities because the Governor and the General Assembly have been responsive in regard to these and other needed improvements in the laws governing the courts.

As Chief Justice, I am mindful of the fact that the Delaware Judiciary enjoys a proud tradition of public service and fair decisions – one which is steeped in the history of our State. Today, our judges and support personnel are laboring under the strain of an unprecedented expansion in the number and complexity of both criminal and civil cases. Nevertheless, the Judiciary maintains a steadfast commitment to administering the highest quality of justice to the citizens of our State.

The tradition of excellence should also endure for other reasons. We have extremely capable and conscientious judges at all levels of our court system and they are known for their knowledge and integrity. Our jurists and court administrators have exhibited a willingness to work together in a continuing effort to reevaluate and improve our court system. As a result of their endeavors, appropriate changes and improvements are constantly under consideration. Finally, the courts look forward to obtaining adequate appropriated funds which will make it possible for the court system to continue to function at the high level which citizens of this State have a right to expect.

Andrew D. Christie

Andrew D. Christie
Chief Justice

Excerpts from the State of Delaware Judiciary Address

As presented by Chief Justice Andrew D. Christie on July, 1989

"It has been a good year for the Delaware court system in that we have been supplied with the personnel and most of the materials which we need to carry out our vital governmental functions, and by and large, the courts have been handling their caseloads both carefully and efficiently."

Enlargement of the Courts

"Within the year, two new judgeships have been added in Superior Court and an additional position of Vice Chancellor has been added to the Court of Chancery."

Court Facilities

"I am hoping that long range studies will soon get underway as to the court needs in New Castle County which will look into the possibility of new facilities for one or more courts so as to relieve the crowding of existing court spaces in the Public Building."

Automation

"Substantial progress continues to be made in construction of an up-to-date criminal information system and in the modernization of the business equipment used in all the courts."

". . . automation of civil case scheduling and records management requires a substantial increase in funding."

Court Mergers

"I continue to be of the opinion that carefully planned mergers of the trial courts would be desirable and that they would result in a more efficient court system."

Funding for the Court System

"Most of the basic needs of the courts are being met, and an excellent relationship exists between the judicial system and the other branches of State Government."

Sentencing

"In view of all the safeguards now surrounding the sentencing process and the added supervision available for those not sent to prison, some of the very popular mandatory sentencing statutes should be reexamined, as SENTAC has long recommended, to see if some of them should be somewhat modified to give the sentencing judge more flexibility in the interest of justice and in order to relieve in some small way the prison overcrowding."

Jurisdiction of the Courts

"The Long Range Courts Planning Committee continues to recommend an important change in appellate jurisdiction. It recommends that appeals from the decisions of administrative bodies which now go first to the Superior Court should end at Superior Court unless the Supreme Court finds in its discretion that statutory criteria justifying a further appeal are met."

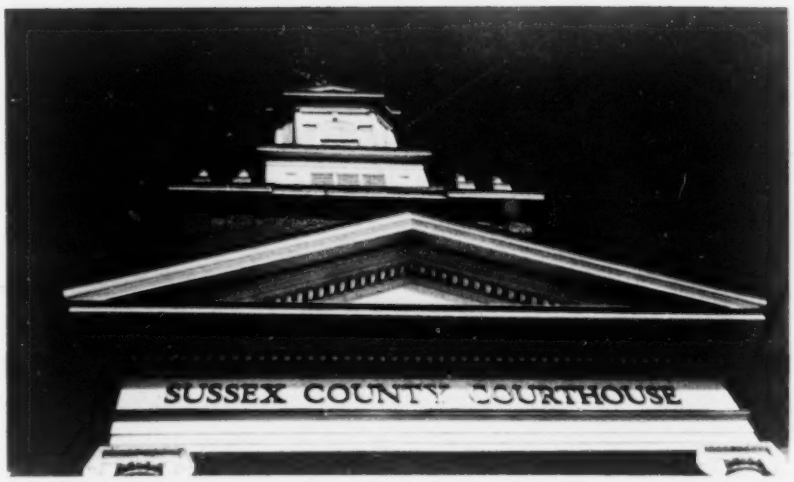
Foreword

The 1989 Annual Report of the Delaware Judiciary reflects significant changes in appearance, content, and format from those of previous years. These changes were deemed necessary in order to provide the reader with a document which is intended to be more informative, more interesting and easier to read.

It is envisioned that future publications of the Annual Report will evidence further changes as part of the continuing effort to better explain the Judiciary's accomplishments, to tell of the issues and problems confronting the courts, to describe the areas of need or concern and to provide information about the Judiciary's future plans both for the near and long-term.

Much time and effort have gone into the preparation of the Annual Report and a great deal of gratitude is owed to the many people throughout the court system who have worked so diligently to make it possible.

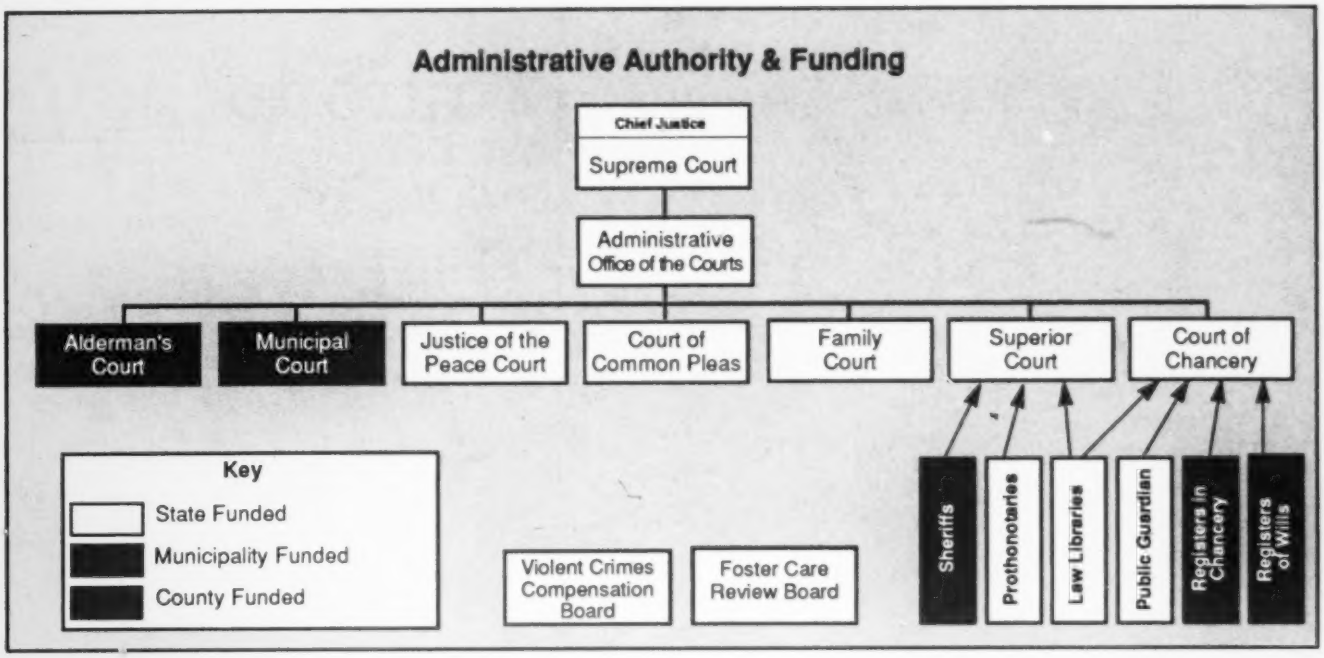
Lowell L. Groundland
Director, Administrative Office of the Courts



The Sussex County Courthouse located on The Circle in Georgetown, Delaware.

Introduction to the Delaware Court System

Introduction to the Delaware Court System



Court Organization and Jurisdiction

The Delaware Judiciary is composed of the Supreme Court, Court of Chancery, Superior Court, Court of Common Pleas, Family Court and Justice of the Peace Courts. While they are parts of the Delaware Judiciary, the Municipal Court is funded by the City of Wilmington while the Alderman's Courts are funded by their separate municipalities. The Administrative Office of the Courts, including the Judicial Information Center, provides those centralized services to the Delaware Judiciary which are consistent with the statewide policies and goals for judicial administration and support operations as established by the Chief Justice of the Supreme Court. Other components of the Delaware Judiciary for funding purposes are the Public Guardian, the Foster Care Review Board, the Violent Crimes Compensation Board and the Law Libraries. However, these other components, except the Law Libraries, are similar to social service agencies rather than adjudicative bodies. While related to the courts, these agencies fall outside the normal scope of the courts' responsibilities. The Prothonotary's Office in each county functions as the Clerk of the Superior Court and is funded by the State. The Prothonotary for each county had been an elected position in past years but will be appointed by the Superior Court in the future once the terms of the individuals currently serving as Prothonotaries come to an end.

In terms of interrelationships among the courts, the Delaware Court System is similar to a pyramid. The Justice of the Peace Courts would be the base of the pyramid and the Supreme Court would be the apex of the pyramid. As a litigant goes upward through the Court System pyramid, the legal issues generally become more complex. Also, costs to the litigants increase, the potential for delay increases, and the costs to the Court System as well as to the State in terms of resources and time increase. Therefore, it is beneficial both in terms of resources and time for the litigants and the Court System to decide any case at issue as close to the entry level into the system as possible.

The Justice of the Peace Courts are the initial entry level into the Court System for most citizens. The Justice of the Peace Courts' jurisdiction is limited to $2,500 in civil cases. In criminal cases, the Justice of the Peace Courts have jurisdiction over certain misdemeanors and most motor vehicle cases (excluding felonies) and the Justices of the Peace may act as committing magistrates for all crimes. In criminal cases with the possibility of incarceration or a fine of $15 or more or both, the accused may elect to transfer the case to the Court of Common Pleas. Appeals may be taken de novo to the Superior Court. About sixty-two percent (62%) of all cases are disposed of rapidly at the Justice of the Peace Courts level without further impact on the remainder of the judicial system.

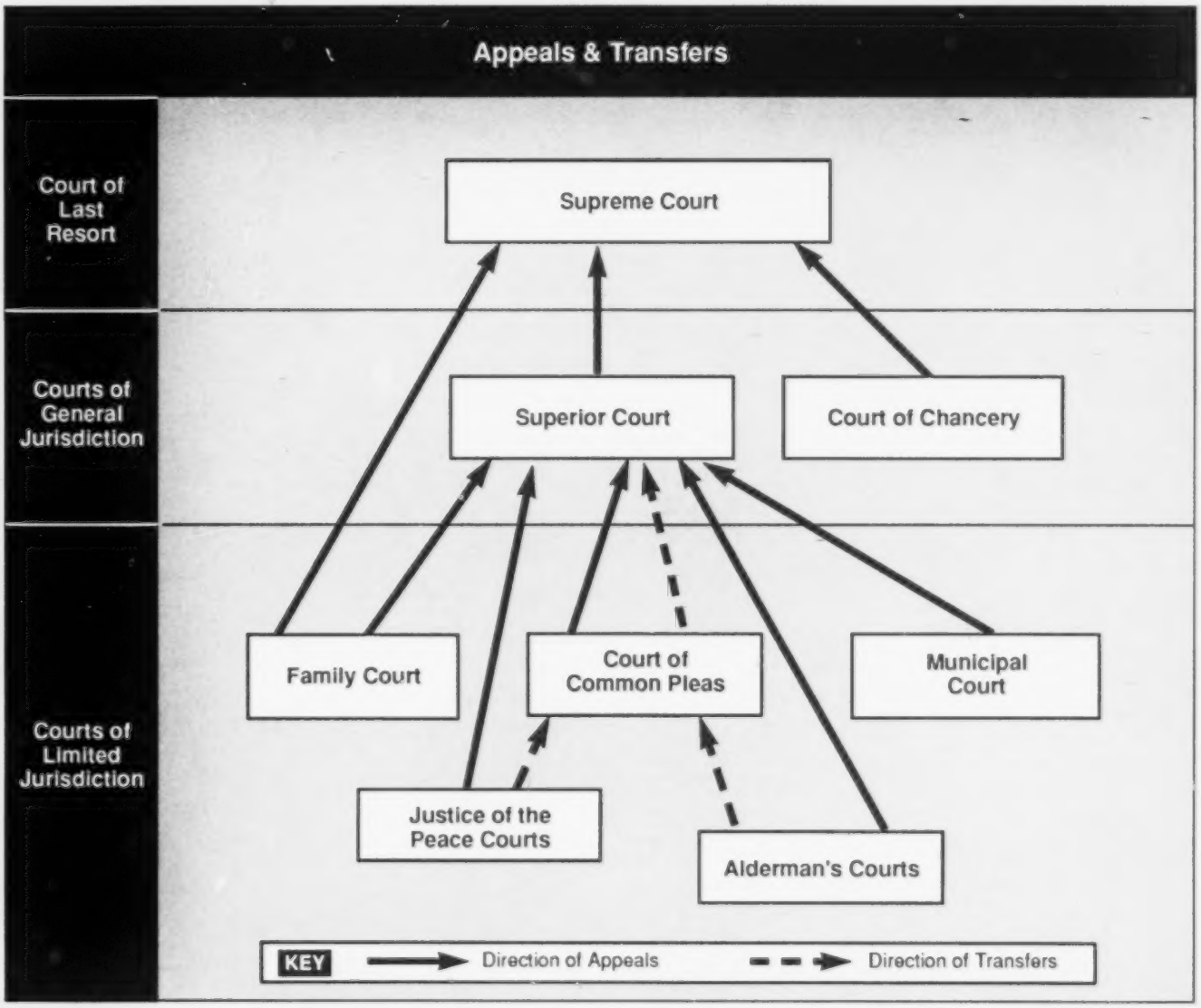
The Court of Common Pleas has jurisdiction in civil cases where the amount involved, exclusive of interest, does not exceed $15,000. Cases that are of lesser monetary significance can be handled promptly by the Court of Common Pleas rather than being referred to the Superior Court where delays can be expected as a result of the large number of pending civil cases in the Superior Court. In criminal cases, the Court of Common

Introduction to the Delaware Court System

Pleas has jurisdiction over all misdemeanors occurring in the State except drug-related cases (other than possession of marijuana), and those cases occurring in Wilmington. It is also responsible for all preliminary hearings in all felony cases except those occurring in Wilmington. Appeals may be taken to the Superior Court.

The Family Court deals almost exclusively with cases concerning family and juvenile issues. The Family Court has almost comprehensive jurisdiction over such matters. All civil appeals from the Family Court go directly to the Supreme Court. Criminal cases are appealed to the Superior Court.

The Superior Court is the State's trial court of general jurisdiction. It also serves as an intermediate appellate court. The Superior Court has original jurisdiction over criminal and civil cases except equity cases. The Court's authority to award damages is not subject to a monetary maximum. In criminal cases, the Court has exclusive jurisdiction over felonies and almost all drug offenses. The Superior Court serves as an intermediate appellate court by hearing appeals on the record from the Court of Common Pleas, the Family Court (in criminal cases) and more than 50 administrative agencies. Appeals from the Alderman's Courts, the Justice of the Peace Courts and the Municipal Court are heard as trials de novo (second trials) in the Superior Court. Appeals from the Superior Court may be taken on the record to the Supreme Court. While the Justice of the Peace Courts and the Court of Common Pleas screen many cases out of the Court System, the Superior Court continues to experience an



Introduction to the Delaware Court System

increase in the number of filings per year. Furthermore, as cases are brought to the Superior Court for decision, the issues for decision are generally more complex and require more time to decide. The majority of the serious criminal and significant civil (non-equity) cases filed in Delaware flow into the Superior Court. With a limited number of judges, the Court wages a constant battle to stay current on criminal cases, and as a result, civil cases often must wait for adjudication.

The Court of Chancery is an equity court rather than a court of law and has jurisdiction to hear all matters in equity. The Court of Chancery has a national reputation in the business community and is responsible for developing the case law as to the corporation laws of Delaware. The litigation in the Court of Chancery deals largely with corporate matters, trusts, estates, other fiduciary matters, disputes involving the purchase of land and questions of title to real estate as well as commercial and contractual matters. Appeals from the Court of Chancery may be taken on the record to the Supreme Court.

The Supreme Court is the State's appellate court which receives direct appeals from the Court of Chancery, the Superior Court and the Family Court. As administrative head of the Courts, the Chief Justice in consultation with the other Justices sets administrative policy for the Court System.

Court Jurisdiction

Court of Last Resort

Supreme Court

- Final Appellate Jurisdiction for:
  - — criminal cases with sentences longer than certain minimums.
  - — civil case final judgement.
  - — certain orders of Superior, Family and Chancery courts and Court designated boards.
- Issuer of certain writs.

Courts of General Jurisdiction

Court of Chancery

- Hear/determine all matters and causes in equity (typically corporate, trust, fiduciary matters, land sale, real estate, commercial/contractural matters).

Superior Court

- Original statewide jurisdiction over criminal and civil cases (except equity cases).
- Exclusive jurisdiction over felonies and drug offenses (except marijuana possession and most felonies/drugs involving minors.)
- Involuntary commitments to Delaware State Hospital
- Intermediate appellate court

Courts of Limited Jurisdiction

Family Court

- Jurisdiction over almost all offenses involving juveniles/families (except adults charged with felonies and juveniles charged with murder, kidnapping and unlawful sexual intercourse.

Court of Common Pleas

- Statewide jurisdiction in civil actions involving less than $15,000
- All criminal misdemeanors (except drug related — other than marijuana possession and except those occuring in Wilmington).
- Responsible for all preliminary hearings.

Municipal Court

- For violations in the city of Wilmington:
  - — criminal misdemeanor and municipal ordinance, traffic.
  - — preliminary hearings for felonies and drug related offenses.
  - — violations division processes all moving and parking violations.

Justice of the Peace Courts

- All civil cases involving less than $2500
- Certain misdemeanors and most motor vehicle cases (except felonies).
- May act as committing magistrate for all crimes.
- Landlord/tenant disputes.

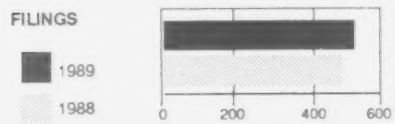
Alderman's Courts

- Minor misdemeanors, traffic, parking, and minor civil matters occurring within town limits (specific jurisdiction varies with town charter, as approved by State Legislature).

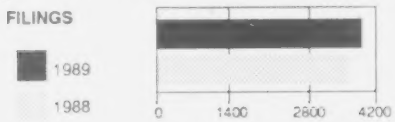
Court Caseload Summaries for Fiscal Year 1989

Court Caseload Summaries for Fiscal Year 1989

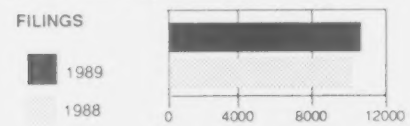
The **Supreme Court** reached record levels during FY 1989 in filings, dispositions, and pending at the end of the year. FY 1989 marked the first fiscal year in which there were over 500 filings with a total of 523 filings.



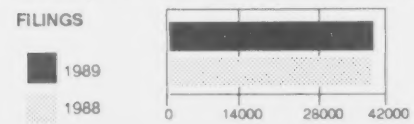
The **Court of Chancery** backed up only slightly in FY 1989 from the record level of civil case filings set in the previous fiscal year while dispositions and pending at the end of the year both reached new record levels. Total case filings reached new record levels in filings, dispositions and pending at the end of the year in FY 1989.



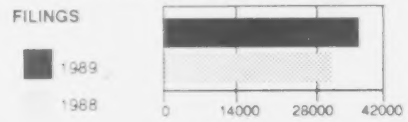
The **Superior Court** reached record levels in all caseload activity measures during FY 1989. There were record numbers of criminal filings (5,147) and dispositions (5,011) during FY 1989. The 5,322 civil filings and 4,882 dispositions for FY 1989 were both records as well. The Superior Court had over 10,000 total filings for the first time ever with 10,469 filings and there was also a record level of 9,893 total dispositions.



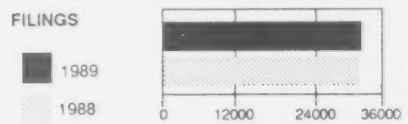
The **Family Court** had a record number of filings in FY 1989 with a total of 38,862 filings in that fiscal year, which was 2.0% more than the previous record level of 38,094 in FY 1988. The Court also had a record number of pending at the end of the year with 13,475 pending at the end of FY 1989, an increase of 30.4% from the former record level of 10,336 pending at the end of FY 1988.



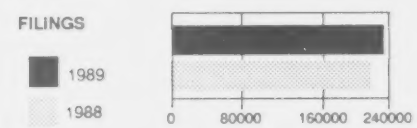
The **Court of Common Pleas** experienced record levels of criminal caseload activity during FY 1989, with filings increasing by 25.2%, dispositions by 19.8%, and pending at the end of the year by 39.0% from the previous record levels. Though there was a slight decrease in civil activity, the total caseload for the Court reached record levels in each category. Total filings rose by 20.6%, dispositions by 15.9%, and pending at the end of the year by 22.3% from the former record levels.



The **Municipal Court** had only a small rise in total caseload activity during FY 1989, but there was a record level of both total filings and total dispositions. There was actually a drop in criminal filings while criminal dispositions rose to a record level. Traffic filings and dispositions both increased to new record levels as did the number of traffic cases pending at the end of the year.



The **Justice of the Peace Courts** had over 200,000 criminal filings and over 200,000 criminal dispositions during FY 1989, each being a new record. Civil activity rose as well after decreasing in the previous fiscal year with civil dispositions reaching a record level in FY 1989. The total caseload activity showed 237,020 filings and 237,060 dispositions, both being new record levels.



Fiscal Year 1989 Highlights

Fiscal Year 1989 Highlights

The Judiciary

In recognition of the substantial increase in the number and complexity of cases being tried by the Court of Chancery, Governor Michael N. Castle signed into law House Bill 60 which authorized an additional Vice-Chancellor for that tribunal.

The appointment of the Honorable William B. Chandler, III to the new judicial post resulted in the increase of judgeships in the Court of Chancery to five. Vice-Chancellor Chandler, who was confirmed on March 16, 1989, formerly was on the bench of Superior Court in Sussex County, first as Associate Judge from September 30, 1985 to June 30, 1986, and more recently as Resident Judge from June 30, 1986 to March 16, 1989.

The Honorable Maurice A. Hartnett, III, first named as a Vice-Chancellor on the Court of Chancery on September 29, 1976, was confirmed for a second twelve-year term on October 18, 1988.

In FY 1989, the Superior Court was enlarged by Senate Bill 328 which authorized two additional judgeships. The Honorable Norman A. Barron and The Honorable Jerome O. Herlihy were both confirmed for twelve-year terms as Associate Judges on January 26, 1989. Judge Barron formerly served as Chief Magistrate of the Justice of the Peace Courts from June 20, 1980 to October 31, 1988.

The Honorable William Swain Lee, who served as Associate Judge of the Superior Court from June 30, 1986 to May 10, 1989, was confirmed as Resident Judge of the Superior Court in Sussex County on May 10, 1989. Judge Lee came to Superior Court from Family Court where he had been on the bench from July 1, 1977 to June 30, 1986.

The Honorable T. Henley Graves was confirmed as the newest Associate Judge of the Superior Court on May 10, 1989.

The Honorable William F. Richardson was confirmed for a four-year term as the new Chief Magistrate of the Justice of the Peace Courts on January 26, 1989.

New Facilities

The new colonial style Family Court facility for Sussex County opened its doors to the public on October 12, 1988 and was dedicated in an impressive outdoor ceremony on The Circle in Georgetown on November 4, 1988.

The Justice of the Peace Court system continued the implementation of its statewide building project, now in its third consecutive year. In June, 1989, the new Justice of the Peace Courts 10 and 12, located at Prices Corner near Wilmington, were first opened to the public.

Continuing Judicial Education

The Continuing Judicial Education Program, administered by the Supreme Court with appropriations from the General Assembly, enables members of the Delaware Judiciary to expand their legal knowledge and hone their skills by attending in-state educational seminars conducted by recognized lecturers and enrolling in conferences sponsored by national professional organizations.

The educational segment of the Judicial Conference, held in Wilmington on December 7, 1988, focused attention on the legal problems associated with the incarceration of individuals infected with the AIDS virus. The second annual Continuing Judicial Education Seminar, sponsored by the Judicial Education Committee at the University of Delaware's Virden Center in Lewes on September 29-30, 1988, included as topics: present developments in constitutional law, valuation of closely held corporations, judicial writing and SENTAC (Sentencing Accountability) developments.

The Justice of the Peace Courts, in cooperation with the Delaware Law School, once again offered courses relating to legal research, the rules of evidence and judicial stress management.

Judicial education seminars are videotaped whenever practicable so that they may be subsequently utilized in the training of newly-appointed judges or magistrates.

Case Processing

A number of the trial courts continued to make improvements in the area of case processing. In Superior Court, an automated sentence order was developed which promoted uniformity, reduced typing time, and reduced data entry requirements. Computer terminals, installed in two courtrooms, provide immediate access to a defendant's criminal history for use in sentencing as well as the capability to enter data during the courtroom proceedings.

Another noteworthy accomplishment for Superior Court in Fiscal Year 1989 was the implementation of video arraignment technology. Currently, all arraignments and bail motion hearings involving incarcerated defendants are conducted by video transmission between the Gander Hill correctional facility and the Public Building. The benefits derived include reduced prisoner transportation costs, reduced security risks, and greater scheduling flexibility.

Special proceedings adopted by the Superior Court to review the civil calendar resulted in a reduction in the number of pending civil cases. The Court also implemented a flat-rate filing fee for civil cases which simplified accounting requirements and resulted in a 400% increase in revenue.

The Family Court implemented a uniform procedure for the processing of masters' pre-trial conferences in divorce ancillary matters which has contributed to handling these cases more efficiently and will facilitate the transition to the automation of pre-trial case management.

The Family Court's leadership role in the child support field was evident through the many requests for information about the Delaware (Melson) child support formula and through the professional activities of the judicial officers in national and regional organizations.

Family Court made significant progress in its ongoing automation effort which included: the development of a prototype computerized file tracking system in the Sussex County

Family Court; an evaluation of the Support Case Tracking System which included recommendations for modifying and improving the software and hardware; the implementation of the Delaware Automated Child Support Enforcement System (DACSES); the computerized informational system of the Division of Child Support Enforcement in all three counties; and the completion of "An Organizational Survey of Family Court," a DELJIS sponsored analysis of the Court's case processing system containing recommendations relating to the preparation for automating the management of criminal cases within the next two to three years.

The implementation of a one-fee filing system statewide by the Court of Common Pleas promoted greater efficiency and earned additional revenue for the State. The Court extended its new accounting system to Kent and Sussex Counties in order to improve internal control, increase efficiency, and provide a more effective method for tracking court funds.

Arbitration and Mediation

The arbitration programs of both the Family Court and the Superior Court along with the mediation program of Family Court continued to be effective alternatives to civil trials. In keeping with the intention of limiting the number of civil trials as much as possible, the Family Court had over 8,000 dispositions by mediation in a single fiscal year. In addition, the Family Court disposed of over 3,000 complaints through arbitration in the past year. Superior Court's arbitration program statistics support the proposition that the program is an effective dispute resolution alternative to the traditional judicial process which does not sacrifice that quality of justice or infringe upon the litigants' right to trial. During FY 1989, there were 2,757 new arbitration filings in Superior Court and there were 900 arbitration hearings. The fact that a growing number of civil cases not subject to the mandatory arbitration rule are being stipulated into the arbitration program suggests that this program is highly accepted by the Bar.

Legislation

There were a number of important court-related bills introduced during the first session of the 135th General Assembly. Although it was hoped that certain of these bills which were endorsed by the Chief Justice and the Long Range Courts Planning Committee would have been passed before the close of the legislative session on June 30, 1989, this did not occur. However, the four bills listed below were enacted into law and are considered to be of great importance to the Judiciary.

Senate Bill 109

As a result of the passage of this constitutional amendment, the position of Prothonotary of the Superior Court will no longer be an elected post. Those elected and currently serving in that position will be allowed to serve the remainder of their elected terms. Once those terms expire, the Superior Court is to appoint the individual who will serve as Prothonotary. Any vacancy which occurs prior to the end of the elected term will be treated in the same manner as a completed elected term with the position to be appointed by the Superior Court.

Senate Bill 106

The disposition of marital property following a petition brought by persons formerly married is now to be dealt with by the Family Court rather than the Court of Chancery. Both Courts supported this legislative change since the Family Court is responsible for all activities regarding divorce and related matters.

House Bill 60

As noted in the section on the Judiciary, this bill authorized an additional Vice-Chancellor in the Court of Chancery. This enlargement of the Court became necessary as a result of the dramatic rise in cases filed in Fiscal Year 1988, which increased by over 50% from the previous year.

House Bill 236

The impact of this bill is to eliminate the bond requirement for appeals from Family Court. The rationale behind this bill is that the bond requirement deterred certain individuals from filing an appeal solely because of their inability to meet the bond requirement.

Fiscal Overview

Fiscal Overview

SUMMARY OF JUDICIAL BUDGETS – FISCAL YEAR 1988-1989-1990-1991

	F.Y. 1988 Actual Disbursement	F.Y. 1989 Actual Disbursement	F.Y. 1990 Appropriations	F.Y. 1991 Request
STATE*				
Administrative Office of the Courts	$ 2,977,400	$ 3,317,400	$ 3,485,600	$ 5,203,800
Judicial Information Center	698,000	670,900	654,700	696,400
Supreme Court	1,244,300	1,355,700	1,501,500	1,709,600
Court of Chancery	1,029,900	1,176,600	1,396,700	1,502,600
Public Guardian	179,100	219,300	257,400	272,200
Superior Court	4,821,500	5,900,100	6,159,100	7,421,300
New Castle County Prothonotary	974,600	1,593,400	1,774,100	1,982,700
Kent County Prothonotary	179,100	266,600	289,800	325,100
Sussex County Prothonotary	127,500	183,200	251,400	308,200
Law Libraries	344,900	364,200	387,500	414,600
Family Court	9,016,300	9,829,000	10,300,400	11,419,700
Court of Common Pleas	2,099,100	2,408,800	2,485,300	2,720,500
Justice of the Peace Courts	6,030,800	6,947,100	7,170,800	8,048,100
Violent Crimes Compensation Board	1,048,500	1,171,200	1,301,900	1,875,300
Foster Care Review Board	200,100	264,600	229,000	367,600
Educational Surrogate Parent Program**	—	—	—	46,400
STATE TOTALS	$30,971,100	$35,668,100	$37,645,200	$44,314,100
NEW CASTLE COUNTY				
Register in Chancery	$ 440,783	$ 614,131	$ 599,225	N.A.
Register of Wills	540,714	656,574	640,873	N.A.
Prothonotary	421,705	120,000	81,177	N.A.
Sheriff	965,121	1,083,082	1,073,585	N.A.
NEW CASTLE COUNTY TOTALS	$ 2,368,323	$ 2,473,787	$ 2,394,860	N.A.
KENT COUNTY				
Register in Chancery	$ 64,037	$ 71,505	$ 83,874	N.A.
Register of Wills	53,063	58,824	65,756	N.A.
Prothonotary	45,833	—	—	—
Sheriff	142,188	146,968	153,253	N.A.
KENT COUNTY TOTALS	$ 305,121	$ 277,297	$ 302,883	N.A.
SUSSEX COUNTY				
Register in Chancery	$ 54,367	$ 72,824	$ 80,193	N.A.
Register of Wills	55,486	76,429	87,025	N.A.
Prothonotary	24,866	—	—	—
Sheriff	120,414	164,343	155,566	N.A.
SUSSEX COUNTY TOTALS	$ 255,133	$ 313,596	$ 322,784	N.A.
MUNICIPALITIES				
Municipal Court*	$ 900,698	$ 982,453	$ 1,126,213	N.A.
Alderman's Courts	N.A.	N.A.	N.A.	N.A.
MUNICIPALITIES TOTAL	N.A.	N.A.	N.A.	N.A.
GRAND TOTALS — JUDICIAL BRANCH ***	$34,800,375	$39,715,233	$41,791,940	$44,314,100

N.A. = Not Available

*Figures include State governed funds, federal funds, City of Wilmington funds, and other funds. The Office of the Prothonotary began State funding on October 1, 1987.

**The Educational Surrogate Parent Program is a new budget unit for Fiscal Year 1991 appropriations. Previously, this program was part of the Office of the Public Guardian.

***Alderman's Courts not included in any totals. Totals for F.Y. 1991 include only State totals.

Source: Administrative Office of the Courts.

Fiscal Overview

COURT GENERATED REVENUE* – FISCAL YEAR 1989

SUBMITTED TO STATE GENERAL FUND

	Fees and Costs	Fines	Interest**	Miscellaneous#	TOTALS	Revenue as a % of Disbursement##
Administrative Office of the Courts	$ 0	$ 0	$ 0	$ 0	$ 0	0.0%
Judicial Information Center	0	0	0	0	0	0.0%
Supreme Court	44,200	0	0	2,300	46,500	3.4%
Court of Chancery	0	0	253,300	7,100	260,400	22.1%
Public Guardian	0	0	0	2,700	2,700	1.2%
Superior Court	1,176,400	91,900	80,400	12,000	1,360,700	23.1%
Law Libraries	0	0	0	0	0	0.0%
Family Court	323,300	0	34,200	15,900	373,400	3.8%
Court of Common Pleas	163,200	399,800	0	5,400	568,400	23.6%
Justice of the Peace Courts	2,170,500	2,917,100	0	31,100	5,118,700	73.7%
Foster Care Review Board	0	0	0	0	0	0.0%
STATE GENERAL FUND TOTALS	$3,877,600	$3,408,800	$367,900	$76,500	$7,730,800	21.7%

COURT GENERATED REVENUE* – FISCAL YEAR 1989

RECEIVED BY VICTIMS COMPENSATION FUND

	Fees and Costs	Fines	Interest**	Miscellaneous#	TOTALS	Revenue as a % of Disbursement##
Superior Court	—	$ 128,522	—	—	$ 128,522	—
Family Court	—	4,793	—	—	4,793	—
Court of Common Pleas	—	101,554	—	—	101,554	—
Municipal Court	—	108,465	—	—	108,465	—
Justice of the Peace Courts	—	751,994	—	—	751,994	—
Alderman's Courts	—	126,982	—	—	126,982	—
Restitution	—	16,187	—	—	16,187	—
VICTIMS COMPENSATION FUND TOTALS	—	$1,238,497	—	—	$1,238,497	105.7%

*Figures represent only revenue actually collected, not the total amount of fines and costs actually assessed.

**Counties receive 50% of all Court of Chancery interest money and 25% of all Superior Court interest money.

#Bond forfeitures, transcript charges, fees for licenses of deadly weapons, duplicate dog licenses, copying machine revenue, and escheated funds.

##FY 1989 Revenue divided by FY 1989 Actual Disbursement, which includes State general, federal, and other funds.

Source: Administrative Office of the Courts.

Fiscal Overview

COURT GENERATED REVENUE* – FISCAL YEAR 1989

SUBMITTED TO NEW CASTLE COUNTY

	Fees and Costs	Fines	Interest**	Miscellaneous#	TOTALS	Revenue as a % of Disbursement##
Register in Chancery	$ 391,858	$ 0	$249,854	$ 0	$ 641,712	104.5%
Register of Wills	2,619,478	0	0	0	2,619,478	399.0%
Prothonotary	240,708	30,480	0	0	271,188	226.0%
Sheriff	556,995	0	0	0	556,995	51.4%
Justice of the Peace Courts	0	512,548	0	0	512,548	7.4%
NEW CASTLE COUNTY TOTALS	$3,809,039	$543,028	$249,854	$ 0	$4,601,921	165.3%¶

COURT GENERATED REVENUE* – FISCAL YEAR 1989

SUBMITTED TO KENT COUNTY

	Fees and Costs	Fines	Interest**	Miscellaneous#	TOTALS	Revenue as a % of Disbursement##
Register in Chancery	$ 12,008	$ 0	$ 2,648	$ 1,280	$ 15,936	22.3%
Register of Wills	243,998	0	0	1,529	245,527	417.4%
Prothonotary	28,263	0	0	0	28,263	—
Sheriff	154,479	0	0	1,999	156,478	106.5%
KENT COUNTY TOTALS	$438,748	$ 0	$ 2,648	$ 4,808	$446,204	160.9%¶

COURT GENERATED REVENUE* – FISCAL YEAR 1989

SUBMITTED TO SUSSEX COUNTY

	Fees and Costs	Fines	Interest**	Miscellaneous#	TOTALS	Revenue as a % of Disbursement##
Register in Chancery	$ 20,468	$ 0	$ 2,013	$ 0	$ 22,481	30.9%
Register of Wills	416,560	0	0	0	416,560	545.0%
Prothonotary	27,985	13,039	1,323	0	42,347	—
Sheriff	146,553	0	0	0	146,553	89.2%
SUSSEX COUNTY TOTALS	$611,566	$13,039	$ 3,336	$ 0	$627,941	200.2%¶

*Figures represent only revenue actually collected, not the total amount of fines and costs actually assessed.

**Counties receive 50% of all Court of Chancery interest money and 25% of all Superior Court interest money.

#Bond forfeitures, transcript charges, fees for licenses of deadly weapons, duplicate dog licenses, copying machine revenue, and escheated funds.

##FY 1989 Revenue divided by FY 1989 Actual Disbursement, which includes State general, federal, and other funds.

¶ Revenue as a % of disbursement for county offices.

Source: Administrative Office of the Courts.

Fiscal Overview

COURT GENERATED REVENUE* – FISCAL YEAR 1989

SUBMITTED TO MUNICIPALITIES

	Fees and Costs	Fines	Interest**	Miscellaneous#	TOTALS	Revenue as a % of Disbursement##
Municipal Court	$110,348	$ 685,190	$ 0	$ 0	$ 795,538	81.0%
Justice of the Peace Courts	0	1,402,365	0	0	1,402,365	20.2%
Alderman's Courts	193,134	810,182	0	0	$1,003,316	N.A.
MUNICIPALITIES TOTALS	$303,482	$2,897,737	$ 0	$ 0	$3,201,219	N.A.

COURT GENERATED REVENUE* – FISCAL YEAR 1989

GRAND TOTALS - JUDICIAL BRANCH

	Fees and Costs	Fines	Interest**	Miscellaneous#	TOTALS	Revenue as a % of Disbursement##
TOTALS	$9,040,435	$8,101,101	$623,738	$81,308	$17,846,582	44.9%§

RESTITUTION – FISCAL YEAR 1989

	Restitution Assessed	Restitution Collected	Restitution Disbursed
Court			
Supreme Court	$ 0	$ 0	$ 0
Court of Chancery	0	0	0
Superior Court			
New Castle County Prothonotary	1,797,349	329,449	335,230
Kent County Prothonotary	381,416	103,196	103,270
Sussex County Prothonotary	303,739	81,309	72,521
Family Court	174,996	120,560	120,560
Court of Common Pleas	271,184	171,045	161,866
Municipal Court	N/A	39,874	39,874
Justice of the Peace Courts†	196,752	80,994	80,994
TOTALS††	$3,125,436	$926,427	$914,315

N/A = Not Available

*Figures represent only revenue actually collected, not the total amount of fines and costs actually assessed.

**Counties receive 50% of all Court of Chancery interest money and 25% of all Superior Court interest money.

#Bond forfeitures, transcript charges, fees for licenses of deadly weapons, duplicate dog licenses, copying machine revenue, and escheated funds.

##FY 1989 Revenue divided by FY 1989 Actual Disbursement, which includes State general, federal, and other funds.

¶ Revenue as a % of disbursement for county offices.

§ This figure is approximate as some expenditure data is not available.

† Most restitution assessed in Justice of the Peace Courts is ordered to be paid directly to the victim, thus explaining the apparent disparity between the amount assessed and the amount collected.

††Totals exclude restitution assessed in Municipal Court.

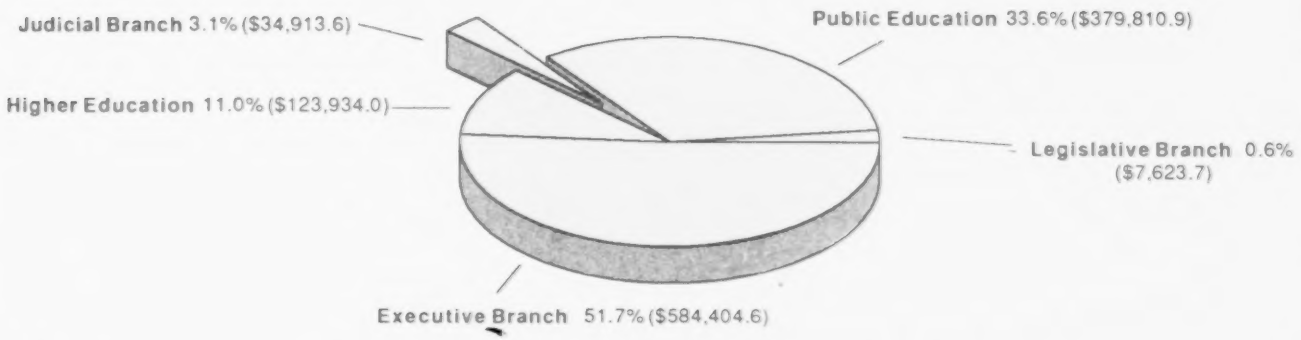
NOTE: Total revenue generated by the Justice of the Peace Courts in FY 1989 was $7,033,613, which represents 101.3% of expenditures for that year.

Source: Administrative Office of the Courts.

Fiscal Overview

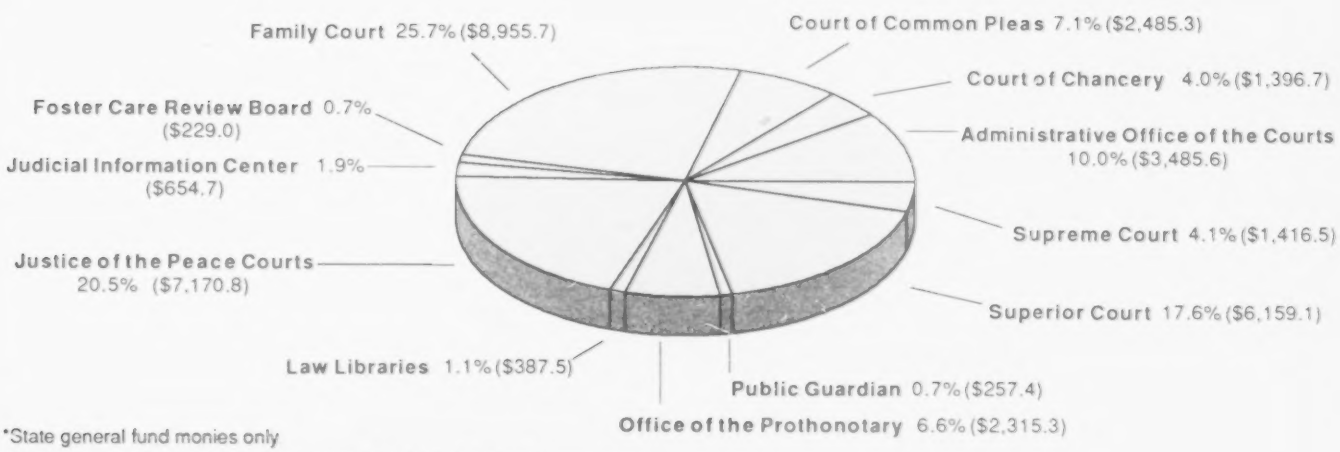
DELAWARE GOVERNMENT APPROPRIATIONS* (IN THOUSANDS) – FISCAL YEAR 1990

STATE APPROPRIATIONS – TOTAL ($1,130,686.8)


Judicial Branch 3.1% ($34,913.6)
Public Education 33.6% ($379,810.9)
Higher Education 11.0% ($123,934.0)
Legislative Branch 0.6% ($7,623.7)
Executive Branch 51.7% ($584,404.6)

DELAWARE GOVERNMENT APPROPRIATIONS* (IN THOUSANDS) – FISCAL YEAR 1990

STATE APPROPRIATIONS – JUDICIARY ($34,913.6)


Family Court 25.7% ($8,955.7)
Court of Common Pleas 7.1% ($2,485.3)
Court of Chancery 4.0% ($1,396.7)
Foster Care Review Board 0.7% ($229.0)
Administrative Office of the Courts 10.0% ($3,485.6)
Judicial Information Center 1.9% ($654.7)
Supreme Court 4.1% ($1,416.5)
Justice of the Peace Courts 20.5% ($7,170.8)
Superior Court 17.6% ($6,159.1)
Law Libraries 1.1% ($387.5)
Public Guardian 0.7% ($257.4)
Office of the Prothonotary 6.6% ($2,315.3)

*State general fund monies only

Source: 135th General Assembly, House Bill 450 with Senate Amendment 2.

Efforts continue toward the development of an automated cash management system for the entire Judiciary.

Fiscal Overview

THE FISCAL YEAR 1991 BUDGET REQUIREMENTS OF THE DELAWARE JUDICIARY

In keeping with a practice which he inaugurated three years ago, Chief Justice Andrew D. Christie submitted the unified *Delaware Judiciary Strategic Plan* and the *Delaware Judiciary Budget Request* to the Governor and the members of the Joint Finance Committee. Prior to the presentation, the Chief Justice carefully reviewed the strategic budget planning documents of all State Courts and held internal judicial budget hearings in which each of the presiding judges were given the opportunity to explain in detail the greatest needs of their respective courts for Fiscal Year 1991. This process has enabled Chief Justice Christie to successfully implement and maintain a "system-wide" approach in formulating his list of the Judiciary's greatest needs in priority order.

Although requests were received from the Family Court and the Court of Common Pleas for additional judges and associated support staff, the Chief Justice has deferred these requests for FY 1991. The decision was necessitated since the number one priority for FY 1991 is the expansion and enhancement of information system technologies.

The top priority in information systems development is the upgrade and replacement of the existing judicial mainframe computer system along with the related hardware and software. The present mainframe and tape drive systems will reach maximum capacity this year. This upgrade will enable the Judiciary to proceed with the planned development of an automated case processing system which will contribute to a reduction in workload for existing staff, greater efficiency in court case processing and more effective management of case-generated cash receivables, receipts and disbursements.

Once the commitment is made to fund the necessary hardware, the Judiciary's next priority is to continue the development of automated case processing and management information systems for all State civil courts. Currently, all civil case processing functions are performed manually.

Benefits deriving from an automated civil case processing system will be: provisions for the automated recording of case transactions, system-generated production of court orders, computerized control of case entered information with the capability to access and control documents when content is external to the data base system, immediate case status information and a case information foundation for future projects. If support is not obtained for an automated civil case management system, additional funding will have to be allowed for more personnel, space, equipment and supplies to continue the manual performance of those tasks involved in handling these complex cases.

Directly related to the concept of automated case processing is the area of records management. The courts must have assistance with the monumental, labor-intensive tasks of file indexing and tracking as well as the storage and retrieval of records. The application of available technologies to the implementation of a comprehensive, up-to-date records management program throughout the Court System will greatly enhance productivity for judges and other personnel by providing them with required information in a timely manner.

The problems of inadequate records management and an inadequate automated information system were identified and recently published in the *Report of the Family Court Enlargement Subcommittee* of the Long Range Courts Planning Committee. The Committee concluded that the most efficient expenditure of resources would be "Providing the Family Court with the resources to bring its filing and records system up to date through computerization so that those systems will assist the judges and staff of the Court in providing prompt and inexpensive justice to our citizens..."

There is a desperate need in all the courts to accelerate the processing of civil cases, a task which cannot be accomplished efficiently without the tools of automation. Civil litigation is increasing at an alarming rate and the courts are required to respond to the problems associated with this rapid growth. The seriousness of this situation is underscored by the fact that civil cases accounted for 50.8% of the Superior Court's caseload and 67.5% of the Family Court's caseload in FY 1989.

The acquisition and maintenance of adequate court facilities continues to be a system-wide concern. A comprehensive study of the courts' staff and space requirements in Wilmington has already commenced under the direction of the Department of Administrative Services. This study will focus on 3, 5, 10, and 20 year time frames and will produce plans to address current and future space and personal needs. Once this has been accomplished, it will be of paramount importance that the State provide adequate funding for these facilities.

While the courts await funding for the automation of their case and records management functions, their filings and associated demands for services continue to rise. To keep current with their caseloads, the courts must receive State funding for additional secretarial, clerical, technical and other support personnel.

Supreme Court

Chief Justice Andrew D. Christie
Justice Henry R. Horsey
Justice Andrew G.T. Moore, II
Justice Joseph T. Walsh
Justice Randy J. Holland

Supreme Court

SUPREME COURT
(Left to Right)
Justice Joseph T. Walsh
Justice Henry R. Horsey
Chief Justice Andrew D. Christie
Justice Andrew G.T. Moore, II
Justice Randy J. Holland

Supreme Court

Legal Authorization

The Supreme Court is created by the *Constitution of Delaware*, Article IV, Section 1. The Supreme Court sits in Dover but the Justices maintain their chambers in the counties where they reside.

Court History

The modern day Supreme Court was established in 1951 by constitutional amendment. The State's first separate Supreme Court initially consisted of three Justices and was enlarged to the current five Justices in 1978.

Prior to 1951, Delaware was without a separate Supreme Court. The highest appellate authority prior to the creation of the separate Supreme Court consisted of those judges who did not participate in the original litigation in the lower courts. These judges would hear the appeal en banc (collectively) and would exercise final jurisdiction in all matters in both law and equity.

Jurisdiction

The Court has final appellate jurisdiction in criminal cases in which the sentence exceeds certain minimums, in civil cases as to final judgments, and for certain other orders of the Court of Chancery, the Superior Court and the Family Court. Appeals are heard on the record. Under some circumstances the Supreme Court has jurisdiction to issue writs of prohibition, quo warranto, certiorari and mandamus.

Justices

The Supreme Court consists of a Chief Justice and four Justices who are nominated by the Governor and confirmed by the Senate. The Justices are appointed for 12-year terms and must be learned in the law and citizens of the State. Three of the Justices must be of one of the major political parties while the other two Justices must be of the other major political party.

Administration

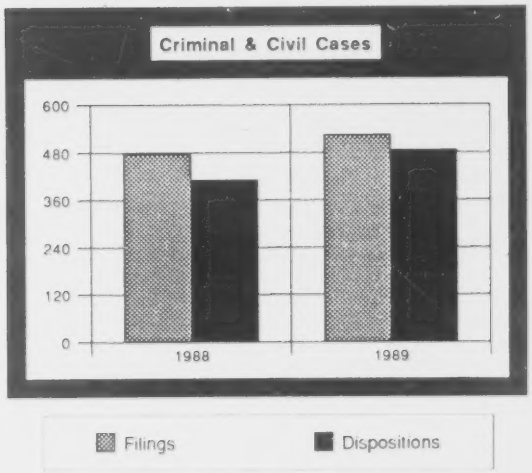
The Chief Justice is responsible for the administration of all courts in the State and appoints a Director of the Administrative Office of the Courts to manage the non-judicial aspects of the court administration. The Supreme Court is staffed by a Court Administrator, a Clerk of the Court/Staff Attorney, an assistant clerk, law clerks, secretaries and two senior clerks.

Caseload Trends

Both filings and dispositions reached record levels for the Court during FY 1989. There was an increase of 9.6% in filings from 477 in FY 1988 to 523 in FY 1989 with increases in both criminal and civil filings. Dispositions rose by 18.3% to 485 in FY 1989 from 410 in FY 1988 with both criminal and civil dispositions rising.

There were increases in both the average time from filing to disposition, which measures the time from the date on which the case is filed in the Supreme Court to the disposition date, and the average time from submission to disposition, which only deals with the time from the date on which the case is submitted for judicial decision to the date of disposition. The time from filing to disposition rose by 12.7 days to an average of 197.8 days in FY 1989 from 185.1 days in FY 1988 while the average time from submission to disposition rose by just over a day to 43.4 days in FY 1989 from 42.3 days in FY 1988.

Caseload Trends



Supreme Court

Arms of the Supreme Court

Board on Professional Responsibility and Office of Disciplinary Counsel

The Board on Professional Responsibility and Office of Disciplinary Counsel are authorized by Supreme Court Rule 62 and Board on Professional Responsibility Rule 1(c) (3) respectively. The Board on Professional Responsibility consists of 13 persons, nine of whom shall be members of the Bar and four of whom shall be public non-lawyer members. Members of the Board are appointed for three-year terms. Under Supreme Court Rule 62(c), the Court appoints a Preliminary Review Committee consisting of nine persons, six of whom shall be members of the Bar and three of whom shall be public non-lawyer members. Additionally, under Supreme Court Rule 62(d), the Court appoints seven members of the Bar to serve as Assistant Disciplinary Counsel for three-year terms. The Board, Disciplinary Counsel, the Preliminary Review Committee and Assistant Disciplinary Counsel are responsible for regulation of the conduct of the members of the Delaware Bar. Matters heard by the Board on Professional Responsibility are subject to review by the Delaware Supreme Court.

Clients' Security Trust Fund

The Clients' Security Trust Fund is authorized by Supreme Court Rule 66. There are nine trustees appointed by the Court, consisting of seven persons who shall be members of the Bar and two persons who shall be non-lawyer members. Trustees are appointed for seven-year terms. The purpose of the trust fund is to establish, as far as practicable, the collective responsibility of the legal profession in respect to losses caused to the public by defalcations of members of the Bar. For the period May 1, 1988 through April 30, 1989, two claims were investigated, recognized as valid and paid.

Board of Bar Examiners

The Board of Bar Examiners is authorized by Supreme Court Rule 51. The Board consists of 12 members of the Bar who are appointed by the Court for four-year terms. The Court may appoint associate members of the Board to assist each member of the Board. Associate members are appointed for one-year terms. Currently, there are 12 associate members. It is the duty of the Board to administer Supreme Court Rules 51 through 55 which govern the testing and procedures for admission to the Bar. In Calendar Year 1987, 64 of the 139 candidates passed the Bar Examination.

Commission on Continuing Legal Education

The Commission on Continuing Legal Education is authorized by Supreme Court Rule 70 and Mandatory Continuing Legal Education Rule 3. The Commission consists of five members who are appointed by the Court for three-year terms. One member shall be a member of the Judiciary. No more than one member may be a person who is not an attorney. The purpose of the Commission is to ensure that minimum requirements for continuing legal education are met by attorneys in order to maintain their professional competence throughout their active practice of law. In Calendar Year 1988, the Commission acted upon 117 requests by attorneys for exemptions from the continuing legal education requirements.

Advisory Committee on Interest on Lawyer Trust Accounts

The six member Supreme Court Advisory Committee on the Interest on Lawyer Trust Accounts Program (IOLTA) is authorized by Supreme Court Rule 65. The Committee consists of six members appointed by the Court for three-year terms. The function of the Committee is to oversee and monitor the operation of the Delaware IOLTA Program as established pursuant to DR9-102 of the Delaware Lawyers' Rules of Professional Conduct. The Committee reports annually to the Supreme Court on the status of the program and work of the Committee. It is the exclusive responsibility of the Delaware Bar Foundation, subject to the supervision and approval of the Court, to hold and disburse all funds generated by the IOLTA program.

Permanent Advisory Committee on Supreme Court Rules

The Permanent Advisory Committee on Supreme Court Rules is authorized by Supreme Court Rule 94. The Committee consists of nine or more members of the Bar who shall be appointed by the Court for three-year terms. It is the Committee's responsibility to monitor Supreme Court Rules, consider and draft changes and receive and consider comments from members of the Bar and Bench and from others. The Committee also has the power to make recommendations to the Supreme Court concerning the rules and practices of lower courts.

Committee on Publication of Opinions

The Committee on Publication of Opinions is authorized by Supreme Court Rule 93. The Committee consists of one member each from the Supreme Court, the Court of Chancery, the Superior Court and the Family Court. The members are appointed by the Chief Justice and serve at his pleasure. It is the responsibility of the Committee to determine by majority vote which opinions (or parts thereof) of the Court of Chancery, the Superior Court and the Family Court, respectively, shall be approved for official publication by West Publishing Company in both the *Atlantic Reporter* and the *Delaware Reporter*. In discharging such responsibility, the Committee shall consider public interest in the litigation, the novelty of the issues is presented, the importance of the case as a legal precedent and/or whether the form of the opinion is appropriate for publication.

Supreme Court

FISCAL YEAR 1989 – CASELOAD SUMMARY

	Pending 6/30/88	Filings	Dispositions	Pending 6/30/89	Change In Pending	% Change In Pending
Criminal Appeals	123	193	158	158	+ 35	+ 28.5%
Civil Appeals	140*	275	268	147	+ 7	+ 5.0%
Certifications	3	6	5	4	+ 1	+ 33.3%
Original Applications**	14	49	54	9	– 5	– 35.7%
TOTALS	280*	523	485	318	+ 38	+ 13.6%

COMPARISON – FISCAL YEARS 1988-1989 – CASELOAD

FILINGS

	1988	1989	Change	% Change
Criminal Appeals	165	193	+ 28	+ 17.0%
Civil Appeals	279	275	– 4	– 1.4%
Certifications	4	6	+ 2	+ 50.0%
Original Applications	21	33	+ 12	+ 57.1%
Bd. on Prof. Resp.	7	10	+ 3	+ 42.9%
Bd. of Bar Exam.	1	6	+ 5	+ 500.0%
TOTALS	477	523	+ 46	+ 9.6%

COMPARISON – FISCAL YEARS 1988-1989 – CASELOAD

DISPOSITIONS

	1988	1989	Change	% Change
Criminal Appeals	134	158	+ 24	+ 17.9%
Civil Appeals	250	268	+ 18	+ 7.2%
Certifications	3	5	+ 2	+ 66.7%
Original Applications	16	37	+ 21	+ 131.3%
Bd. on Prof. Resp.	7	10	+ 3	+ 42.9%
Bd. of Bar Exam.	0	7	+ 7	—
TOTALS	410	485	+ 75	+ 18.3%

*Amended from 1988 Annual Report

**Board of Bar Examiners and Board on Professional Responsibility are included with the original applications in the Caseload Summary. Each is listed separately, however, in the Caseload Comparison.

Bd. on Prof. Resp. = Board on Professional Responsibility

Bd. of Bar Exam. = Board of Board Examiners

Source: Court Administrator and Clerk of the Supreme Court, Administrative Office of the Courts

Supreme Court

FISCAL YEAR 1989 – CASELOAD BREAKDOWNS

FILINGS

	Court of Chancery		Superior Court		Family Court		Non-Court Originated		TOTALS	
Criminal Appeals	0	0.0%	193	100.0%	0	0.0%	0	0.0%	193	100.0%
Civil Appeals	47	17.1%	153	55.6%	75	27.3%	0	0.0%	275	100.0%
Certifications	0	0.0%	0	0.0%	0	0.0%	6	100.0%	6	100.0%
Original Applications	0	0.0%	0	0.0%	0	0.0%	33	100.0%	33	100.0%
Bd. on Prof. Resp.	0	0.0%	0	0.0%	0	0.0%	10	100.0%	10	100.0%
Bd. of Bar Exam.	0	0.0%	0	0.0%	0	0.0%	6	100.0%	6	100.0%
TOTALS	47	9.0%	346	66.2%	75	14.3%	55	10.5%	523	100.0%

FISCAL YEAR 1989 – CASELOAD BREAKDOWNS

DISPOSITIONS

	Court of Chancery		Superior Court		Family Court		Non-Court Originated		TOTALS	
Criminal Appeals	0	0.0%	158	100.0%	0	0.0%	0	0.0%	158	100.0%
Civil Appeals	43	16.0%	145	54.1%	80	29.9%	0	0.0%	268	100.0%
Certifications	0	0.0%	0	0.0%	0	0.0%	5	100.0%	5	100.0%
Original Applications	0	0.0%	0	0.0%	0	0.0%	37	100.0%	37	100.0%
Bd. on Prof. Resp.	0	0.0%	0	0.0%	0	0.0%	10	100.0%	10	100.0%
Bd. of Bar Exam.	0	0.0%	0	0.0%	0	0.0%	7	100.0%	7	100.0%
TOTALS	43	8.9%	303	62.5%	80	16.5%	59	12.2%	485	100.0%

FISCAL YEAR 1989 – CASELOAD BREAKDOWNS

CHANGE IN PENDING

	Court of Chancery	Superior Court	Family Court	Non-Court Originated	TOTALS
Criminal Appeals	0	+ 35	0	0	+ 35
Civil Appeals	+ 4	+ 8	– 5	0	+ 7
Certifications	0	0	0	+ 1	+ 1
Original Applications	0	0	0	– 4	– 4
Bd. on Prof. Resp.	0	0	0	0	0
Bd. of Bar Exam.	0	0	0	– 1	– 1
TOTALS	+ 4	+ 43	– 5	– 4	+ 38

Bd. on Prof. Resp. = Board on Professional Responsibility

Bd. of Bar Exam. = Board of Bar Examiners

Source: Court Administrator and Clerk of the Supreme Court, Administrative Office of the Courts

Supreme Court

TYPES OF DISPOSITIONS – FISCAL YEAR 1989 – CASELOAD

APPEALS DISPOSITIONS

	Affirmed		Aff.Pt./ Rev. Pt.		Reversed		Reversed and Remanded		Remanded		Voluntary Dismissal		Court Dismissal		Leave to Appeal Denied		Totals	
Criminal Appeals	93	58.9%	5	3.2%	3	1.9%	9	5.7%	0	0.0%	13	8.2%	35	22.2%	0	0.0%	158	100.0%
Civil Appeals	112	41.8%	5	1.9%	13	4.9%	13	4.9%	2	0.7%	32	11.9%	73	27.2%	18	6.7%	268	100.0%
Totals	205	48.1%	10	2.3%	16	3.8%	22	5.2%	2	0.5%	45	10.6%	108	25.4%	18	4.2%	426	100.0%

TYPES OF DISPOSITIONS – FISCAL YEARS 1989 – CASELOAD

MISCELLANEOUS DISPOSITIONS

	Action Taken*		Petition Granted		Leave to Appeal Denied		Voluntary Dismissal		Court Dismissal		Question Answered		Totals	
Certifications	0	0.0%	0	0.0%	0	0.0%	0	0.0%	3	60.0%	2	40.0%	5	100.0%
Original Applications	0	0.0%	0	0.0%	2	5.4%	0	0.0%	35	94.6%	0	0.0%	10	100.0%
Bd. on Prof. Resp.	7	70.0%	0	0.0%	0	0.0%	0	0.0%	3	30.0%	0	0.0%	10	100.0%
Bd. of Bar Exam	0	0.0%	1	14.3%	2	28.6%	1	14.3%	3	42.9%	0	0.0%	7	100.0%
Totals	7	11.9%	1	1.7%	4	6.8%	1	1.7%	44	74.6%	2	3.4%	59	100.0%

TYPES OF DISPOSITIONS – FISCAL YEARS 1989 – CASELOAD

METHODS OF DISPOSITIONS

	Assigned Opinion		Per Curiam Opinion		Written Order		Voluntary Dismissal		Totals	
Criminal Appeals	18	11.4%	1	0.6%	126	79.8%	13	8.2%	158	100.0%
Civil Apeals	41	15.3%	8	3.0%	187	69.8%	32	11.9%	268	100.0%
Certifications	1	20.0%	1	20.0%	3	60.0%	0	0.0%	5	100.0%
Original Applications	3	8.1%	1	2.7%	33	89.2%	0	0.0%	37	100.0%
Bd. on Prof. Resp.	2	20.0%	3	30.0%	5	50.0%	0	0.0%	10	100.0%
Bd. of Bar Exam	0	0.0%	1	14.3%	5	71.4%	1	14.3%	7	100.0%
Totals	65	13.4%	15	3.1%	359	74.0%	46	9.5%	485	100.0%

*Action Taken includes disbarment, suspensions, restrictions, reprimands and reinstatements

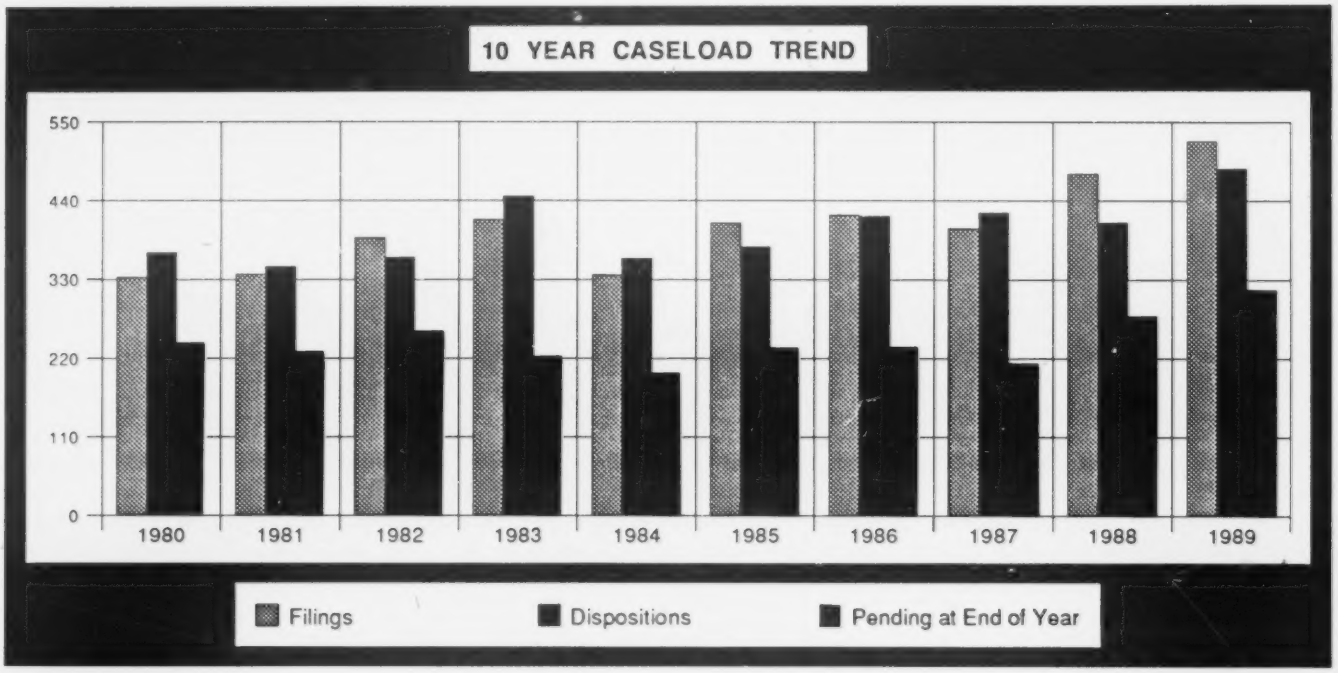
Aff. Pt./Rev. Pt. = Affirmed in Part/Reversed in Part

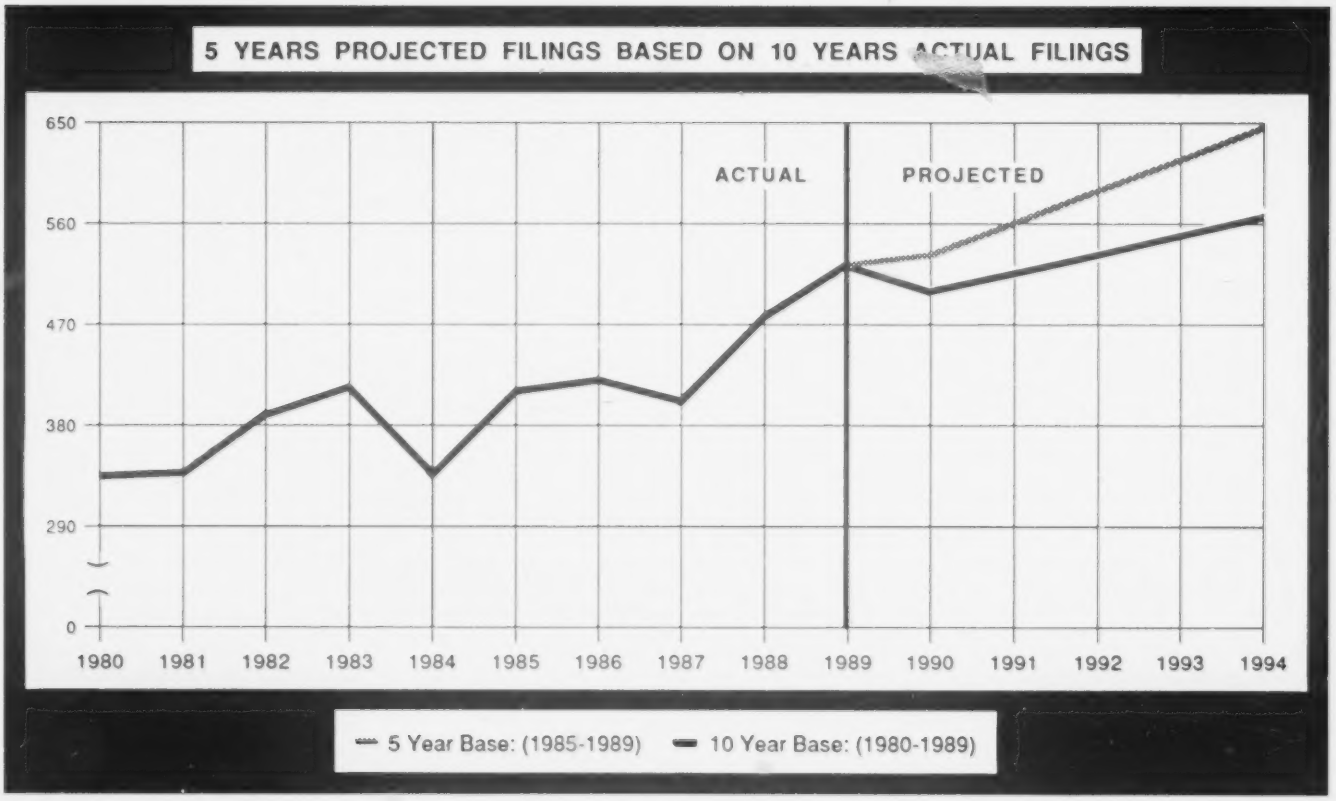
Bd. on Prof. Resp. = Board on Professional Responsibility

Bd. of Bar Exam = Board of Bar Examiners

Source: Court Administrator and Clerk of the Supreme Court, Administrative Office of the Courts

Supreme Court-Total





1980-1988 pending amended from 1988 Annual Report.

Trend lines computed by linear regression analysis.

Source: Administrative Office of the Courts.

Supreme Court

FISCAL YEAR 1989 – PERFORMANCE SUMMARY

AVERAGE ELAPSED TIME TO DISPOSITION

	Number of Dispositions	Average Time from Filing to Disposition	Average Time from Submission to Disposition*
Criminal Appeals	158	252.2 days	39.4 days
Civil Appeals	268	190.2 days	49.9 days
Certifications	5	108.0 days	19.8 days
Original Applications	37	30.2 days	16.3 days
Bd. on Prof. Resp.	10	316.7 days	75.5 days
Bd. of Bar Exam.	7	30.0 days	13.5 days
TOTALS	485	197.8 days	43.4 days

COMPARISON – FISCAL YEARS 1988-1989 – PERFORMANCE SUMMARY

AVERAGE TIME FROM FILING TO DISPOSITION

	1988	1989	Change	% Change
Criminal Appeals	231.0 days	252.2 days	+ 21.2 days	+ 9.2%
Civil Appeals	165.6 days	190.2 days	+ 24.6 days	+ 14.9%
Certifications	269.0 days	108.0 days	– 161.0 days	– 59.9%
Original Applications	28.6 days	30.2 days	+ 1.6 days	+ 5.6%
Bd. on Prof. Resp.	331.6 days	316.7 days	– 14.9 days	– 4.5%
Bd. of Bar Exam.	—	30.0 days	—	—
TOTALS	185.1 days	197.8 days	+ 12.7 days	+ 6.9%

*Average time from date submitted for judicial decision to actual date of disposition. Not all Supreme Court dispositions require a judicial decision.

Bd. on Prof. Resp. = Board on Professional Responsibility.

Bd. of Bar Exam. = Board of Bar Examiners.

Source: Court Administrator and Clerk of the Supreme Court, Administrative Office of the Courts.

The Supreme Court courtroom, located in Dover, Delaware.

Supreme Court

FISCAL YEAR 1989 – PERFORMANCE BREAKDOWNS

ELAPSED TIME BY DISPOSITION TYPE

Type of Disposition	Number of Dispositions	Average Time from Filing to Disposition	Average Time from Submission to Disposition*
Affirmed	205	247.6 days	45.7 days
Affirmed Part/Reversed in Part	10	514.0 days	85.1 days
Reversed	16	397.2 days	124.3 days
Reversed and Remanded	22	360.2 days	84.3 days
Remanded	2	124.5 days	13.5 days
Voluntary Dismissal	46	126.5 days	—
Court Dismissal	152	101.2 days	25.1 days
Leave to Appeal Denied	22	24.3 days	13.6 days
Question Answered	2	214.5 days	29.0 days
Other	8	408.7 days	98.1 days
TOTALS	485	197.8 days	43.4 days

FISCAL YEAR 1989 – PERFORMANCE BREAKDOWNS

ELAPSED TIME BY DISPOSITION METHOD

Method of Disposition	Number of Dispositions	Average Time from Filing to Disposition	Average Time from Submission to Disposition*
Assigned Opinion	65	422.5 days	132.5 days
Per Curium Opinion	15	238.6 days	59.0 days
Written Order	359	164.0 days	24.9 days
Voluntary Dismissal	46	126.5 days	—
TOTALS	485	197.8 days	43.4 days

*Average time from date submitted for judicial decision to actual date of disposition. Not all Supreme Court dispositions require a judicial decision.

Bd. on Prof. Resp. = Board on Professional Responsibility

Bd. of Bar Exam. = Board of Bar Examiners

Source: Court Administrator and Clerk of the Supreme Court, Administrative Office of the Courts

Court of Chancery

Chancellor William T. Allen
Vice-Chancellor Maurice A. Hartnett, III
Vice-Chancellor Carolyn Berger
Vice-Chancellor Jack B. Jacobs
Vice-Chancellor William B. Chandler, III

Court of Chancery

COURT OF CHANCERY

Seated (Left to Right)

Vice-Chancellor Maurice A. Hartnett, III
Chancellor William T. Allen
Vice-Chancellor Carolyn Berger

Standing (Left to Right)

Vice-Chancellor Jack B. Jacobs
Vice-Chancellor William B. Chandler, III

Court of Chancery

Legal Authorization

The *Constitution of Delaware*, Article IV, Section 1, authorizes the Court of Chancery.

Court History

The Court of Chancery came into existence as a separate court under the Constitution of 1792. It was modeled on the High Court of Chancery in England and is in direct line of succession from that Court. The Court consisted solely of the Chancellor until 1939 when the position of Vice-Chancellor was added. The increase on the Court's workload since then has led to further expansions to its present compliment of a Chancellor and four Vice-Chancellors, with the addition of the fourth Vice-Chancellor being made in 1959.

Geographic Organization

The Court of Chancery holds court in Wilmington, Dover and Georgetown.

Legal Jurisdiction

The Court of Chancery has jurisdiction to hear and determine all matters and causes in equity. The general equity jurisdiction of the Court is measured in terms of the general equity jurisdiction of the High Court of Chancery of Great Britain as it existed prior to the separation of the American colonies. The General Assembly may confer upon the Court of Chancery additional statutory jurisdiction. In today's practice, the litigation in the Court of Chancery consists largely of corporate matters, trusts, estates and other fiduciary matters, disputes involving the purchase and sale of land, questions of title to real estate and commercial and contractual matters in general. When issues of fact to be tried by a jury arise, the Court of Chancery may order such facts to trial by issues at the Bar of the Superior Court (10 *Del. C.*, §369).

Judges

The Court of Chancery consists of one Chancellor and four Vice-Chancellors. The fourth Vice-Chancellor position is authorized by House Bill 60 which became law in January, 1989. The Chancellor and Vice-Chancellors are nominated by the Governor and must be confirmed by the Senate for 12-year terms. The Chancellor and Vice-Chancellors must be learned in the law and must be Delaware citizens.

Support Personnel

The Chancellor may appoint court reporters, bailiffs, criers or pages, and law clerks. The Register in Chancery is the Clerk of the Court for all actions except those within the jurisdiction of the Register of Wills. A Register in Chancery is elected for each county. The Chancellor or Vice-Chancellor resident in the county is to appoint one Chief Deputy Register in Chancery in each county. The Register in Chancery in New Castle County appoints a Chief Deputy Register in Chancery as well.

Public Guardian

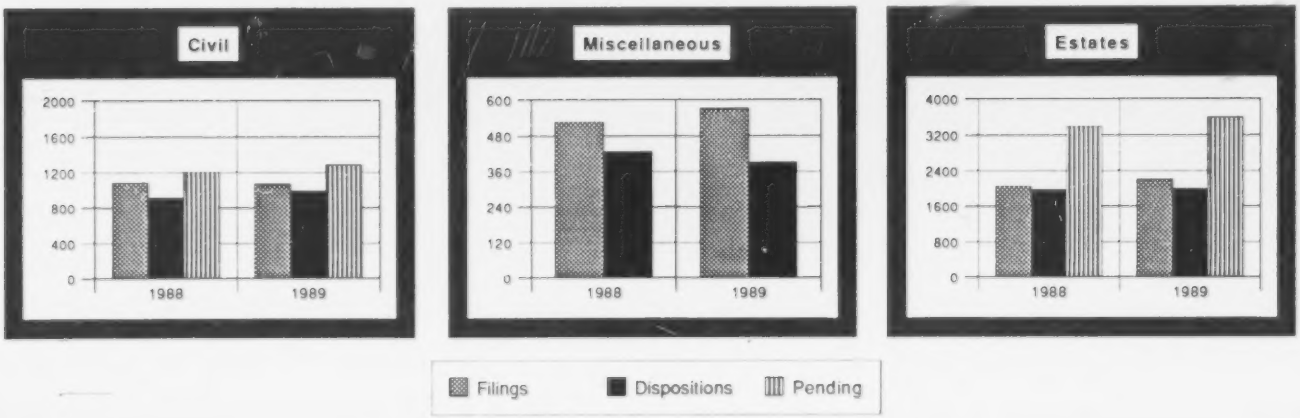
The Chancellor has the duty to appoint the Public Guardian.

Caseload Trends

The unprecedented level of civil filings brought before the Court of Chancery in FY 1988 was nearly equalled in FY 1989. Civil filings fell by just 1.2% to 1,071 in FY 1989 from 1,084 in FY 1988, with only Sussex County actually showing a decrease in filings. Dispositions rose by 8.8% to a record level of 992 in FY 1989, an increase of 80 from the previous record level of 912 set in FY 1988. Civil pending rose from 1,204 at the end of FY 1988 to 1,283 at the end of FY 1989, an increase of 6.6%.

Miscellaneous matters filed rose by 8.6% from 526 in FY 1988 to 571 in FY 1989 while dispositions decreased by 8.2% to 392 in FY 1989 from 427 in FY 1988.

Estates opened (filed) during FY 1989 rose by 7.1% to a record level of 2,201 in FY 1989 from 2,055 in FY 1988. Estates closed (disposed) changed only slightly from 1,975 in FY 1988 to 1,994 in FY 1989. There was a 6.1% increase in pending at the end of the year from 3,387 at the end of FY 1988 to a record level of 3,594 at the end of FY 1989.



Court of Chancery

FISCAL YEAR 1989 CIVIL CASES – CASELOAD SUMMARY

	Pending 6/30/88	Filings	Dispositions	Pending 6/30/89	Change In Pending	% Change In Pending
New Castle	982	964	896	1,050	+ 68	+ 6.9%
Kent	82	50	36	96	+ 14	+ 17.1%
Sussex	140	57	60	137	– 3	– 2.1%
State	1,204	1,071	992	1,283	+ 79	+ 6.6%

COMPARISON – FISCAL YEARS 1988-1989 CIVIL CASES – CASELOAD

FILINGS

	1988	1989	Change	% Change
New Castle	959	964	+ 5	+ 0.5%
Kent	44	50	+ 6	+ 13.6%
Sussex	81	57	– 24	– 29.6%
State	1,084	1,071	– 13	– 1.2%

COMPARISON – FISCAL YEARS 1988-1989 CIVIL CASES – CASELOAD

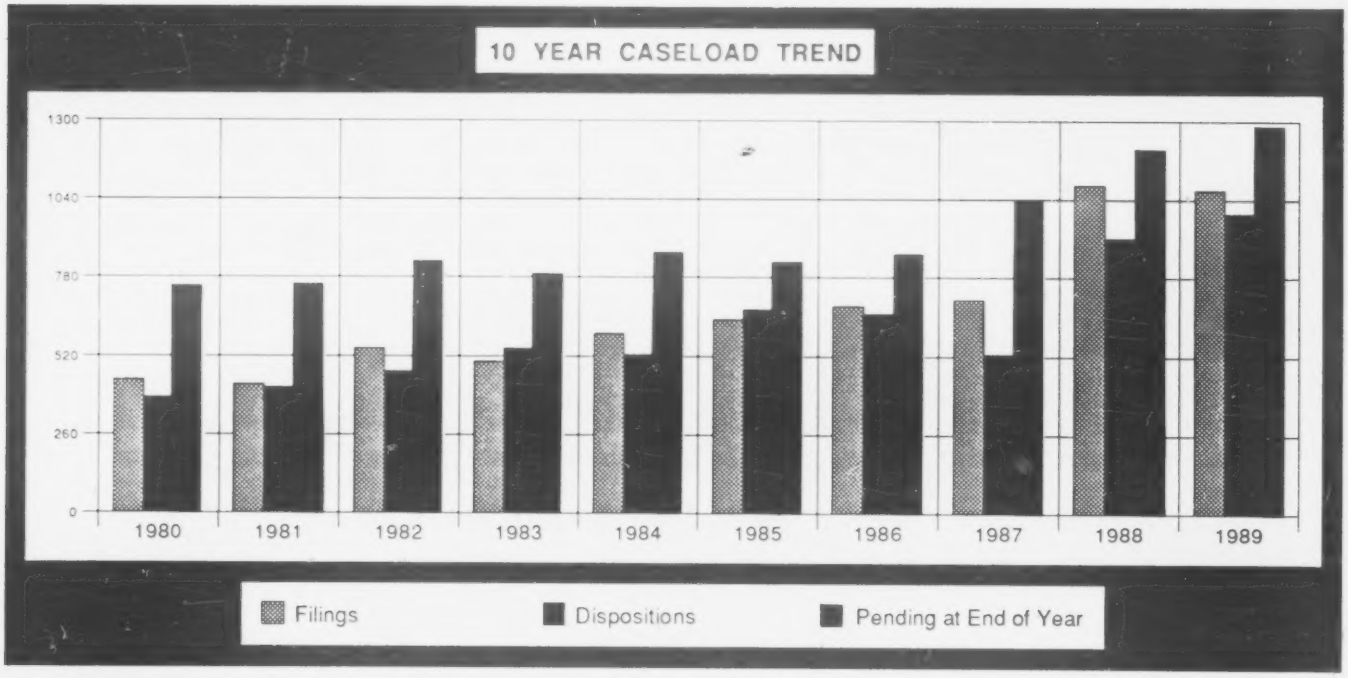
DISPOSITIONS

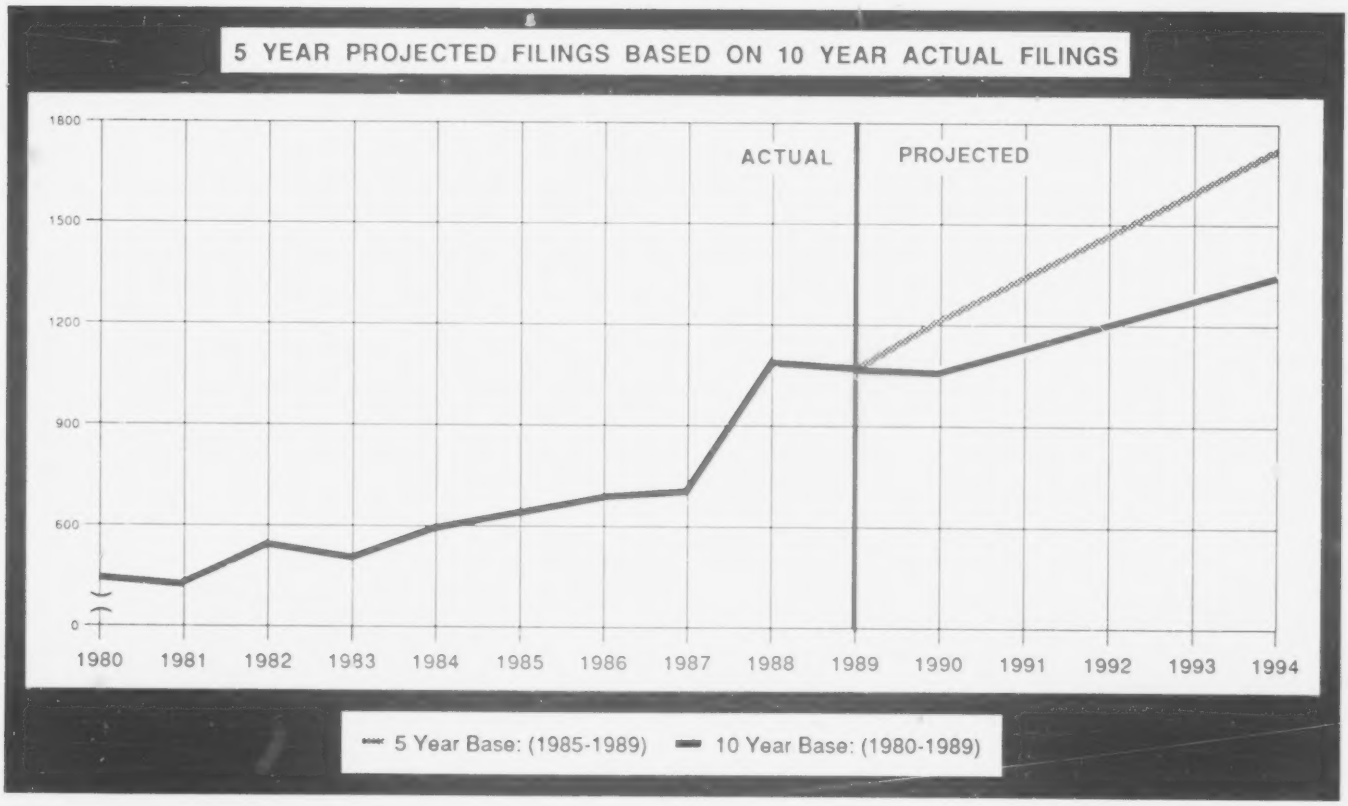
	1988	1989	Change	% Change
New Castle	815	896	+ 81	+ 9.9%
Kent	33	36	+ 3	+ 9.1%
Sussex	64	60	– 4	– 6.2%
State	912	992	+ 80	+ 8.8%

Source: New Castle County, Kent County, Sussex County Registers in Chancery, Administrative Office of the Courts

Register in Chancery — New Castle County records area.

Court of Chancery – Civil





Trend lines computed by linear regression analysis.

Source: Administrative Office of the Courts

Court of Chancery

FISCAL YEAR 1989 MISCELLANEOUS MATTERS – CASELOAD SUMMARY

	Pending 6/30/88	Filings	Dispositions	Pending 6/30/89	Change In Pending	% Change In Pending
New Castle	3,255	331	214	3,372	+ 117	+ 3.6%
Kent	723	65	59	729	+ 6	+ 0.8%
Sussex	1,327	175	119	1,383	+ 56	+ 4.2%
State	5,305	571	392	5,484	+ 179	+ 3.4%

COMPARISON – FISCAL YEARS 1988-1989 MISCELLANEOUS MATTERS – CASELOAD

FILINGS

	1988	1989	Change	% Change
New Castle	306	331	+ 25	+ 8.2%
Kent	64	65	+ 1	+ 1.6%
Sussex	156	175	+ 19	+ 12.2%
State	526	571	+ 45	+ 8.6%

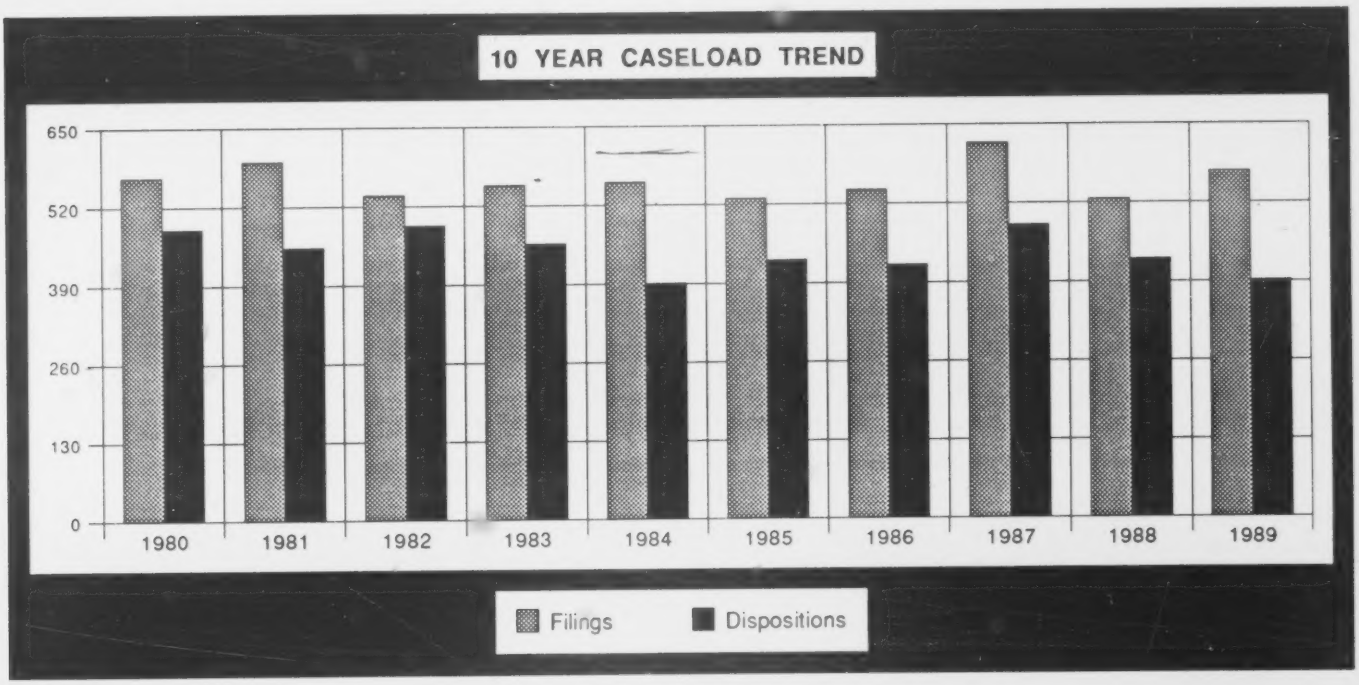
COMPARISON – FISCAL YEARS 1988-1989 MISCELLANEOUS MATTERS – CASELOAD

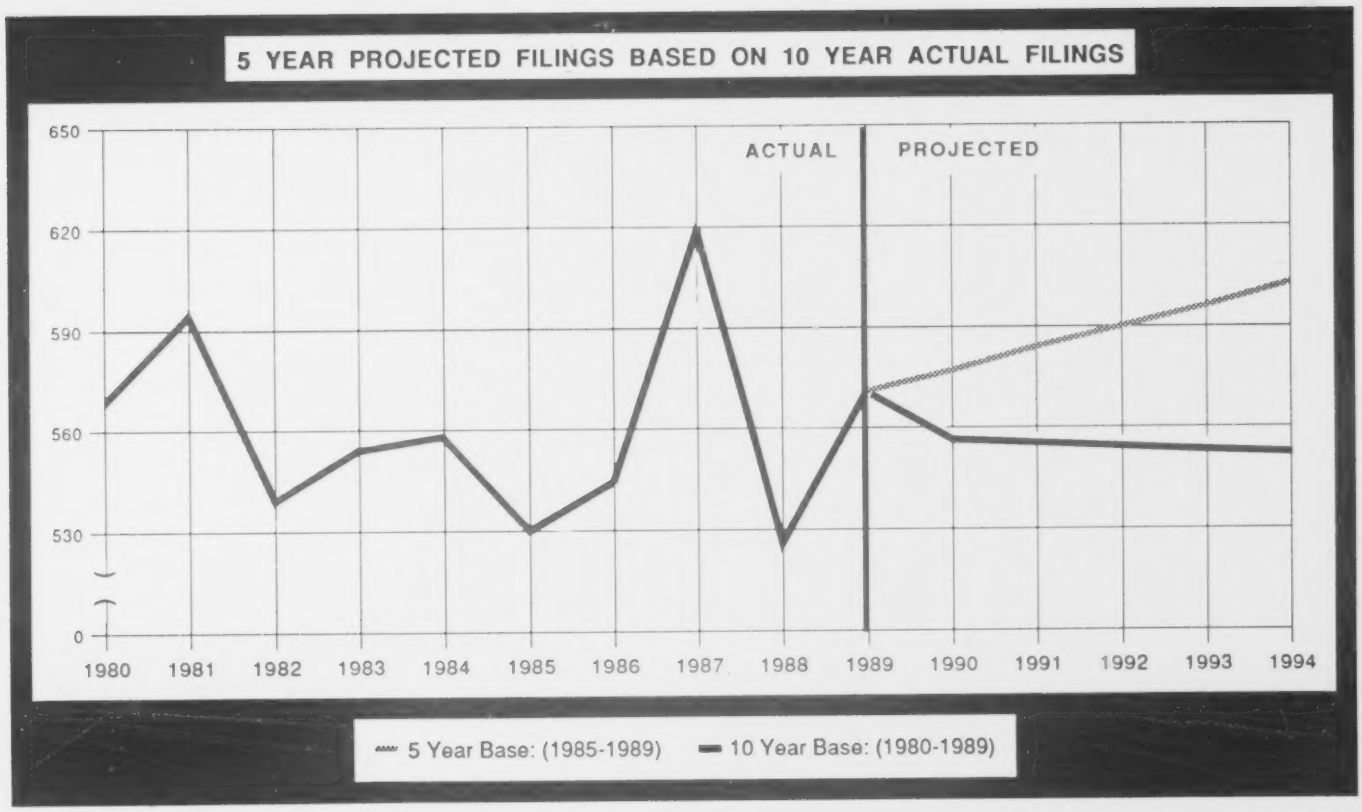
DISPOSITIONS

	1988	1989	Change	% Change
New Castle	248	214	– 34	– 13.7%
Kent	68	59	– 9	– 13.2%
Sussex	111	119	+ 8	+ 7.2%
State	427	392	– 35	– 8.2%

Source: New Castle County, Kent County, and Sussex County Registers in Chancery, Administrative Office of the Courts

Court of Chancery – Miscellaneous





Pending at End of Year not included.

Trend lines computed by linear regression analysis.

Source: Administrative Office of the Courts.

Court of Chancery

FISCAL YEAR 1989 MISCELLANEOUS MATTERS – CASELOAD BREAKDOWNS

FILINGS

	Guardians for Minors		Guardians for Infirm		Trustees for Mentally Ill		Trusts		Matters		TOTALS	
New Castle	136	41.1%	83	25.1%	10	3.0%	65	19.6%	37	11.2%	331	100.0%
Kent	23	35.4%	22	33.8%	0	0.0%	16	24.6%	4	6.2%	65	100.0%
Sussex	28	16.0%	27	15.4%	0	0.0%	56	32.0%	64	36.6%	175	100.0%
State	187	32.7%	132	23.1%	10	1.8%	137	24.0%	105	18.4%	571	100.0%

FISCAL YEAR 1989 MISCELLANEOUS MATTERS – CASELOAD BREAKDOWNS

DISPOSITIONS

	Guardians for Minors		Guardians for Infirm		Trustees for Mentally Ill		Trusts		Matters		TOTALS	
New Castle	53	24.8%	41	19.2%	2	0.9%	106	49.5%	12	5.6%	214	100.0%
Kent	16	27.1%	23	39.0%	0	0.0%	18	30.5%	2	3.4%	59	100.0%
Sussex	27	22.7%	24	20.2%	0	0.0%	10	8.4%	58	48.7%	119	100.0%
State	96	24.5%	88	22.4%	2	0.5%	134	34.2%	72	18.4%	392	100.0%

FISCAL YEAR 1989 MISCELLANEOUS MATTERS – CASELOAD BREAKDOWNS

PENDING AT END OF YEAR

	Guardians for Minors		Guardians for Infirm		Trustees for Mentally Ill		Trusts		Matters		TOTALS	
New Castle	595	17.6%	973	28.9%	172	5.1%	1,181	35.0%	451	13.4%	3,372	100.0%
Kent	287	39.4%	229	31.4%	15	2.1%	170	23.3%	28	3.8%	729	100.0%
Sussex	307	22.2%	111	8.0%	16	1.2%	925	66.9%	24	1.7%	1,383	100.0%
State	1,189	21.7%	1,313	23.9%	203	3.7%	2,276	41.5%	503	9.2%	5,484	100.0%

FISCAL YEARS 1988-1989 MISCELLANEOUS MATTERS — CASELOAD BREAKDOWNS

CHANGE IN PENDING

	Guardians for Minors	Guardians for Infirm	Trustees for Mentally Ill	Other Trusts	Matters	TOTALS
New Castle	+ 83	+ 42	+ 8	– 41	+ 25	+ 117
Kent	+ 7	– 1	0	– 2	+ 2	+ 6
Sussex	+ 1	+ 3	0	+ 46	+ 6	+ 56
State	+ 91	+ 44	+ 8	+ 3	+ 33	+ 179

Source: New Castle County, Kent County, Sussex County Registers in Chancery, Administrative Office of the Courts

Court of Chancery

FISCAL YEAR 1989 ESTATES – CASELOAD SUMMARY

	Pending 6/30/88	Opened	Closed	Pending 6/30/89	Change In Pending	% Change In Pending
New Castle	1,498	1,403	1,120	1,781	+ 283	+ 18.9%
Kent	1,230	328	419	1,139	– 91	– 7.4%
Sussex	659	470	455	674	+ 15	+ 2.3%
State	3,387	2,201	1,994	3,594	+ 207	+ 6.1%

COMPARISON – FISCAL YEARS 1988-1989 ESTATES – CASELOAD

OPENED

	1988	1989	Change	% Change
New Castle	1,306	1,403	+ 97	+ 7.4%
Kent	303	328	+ 25	+ 8.3%
Sussex	446	470	+ 24	+ 5.4%
State	2,055	2,201	+ 146	+ 7.1%

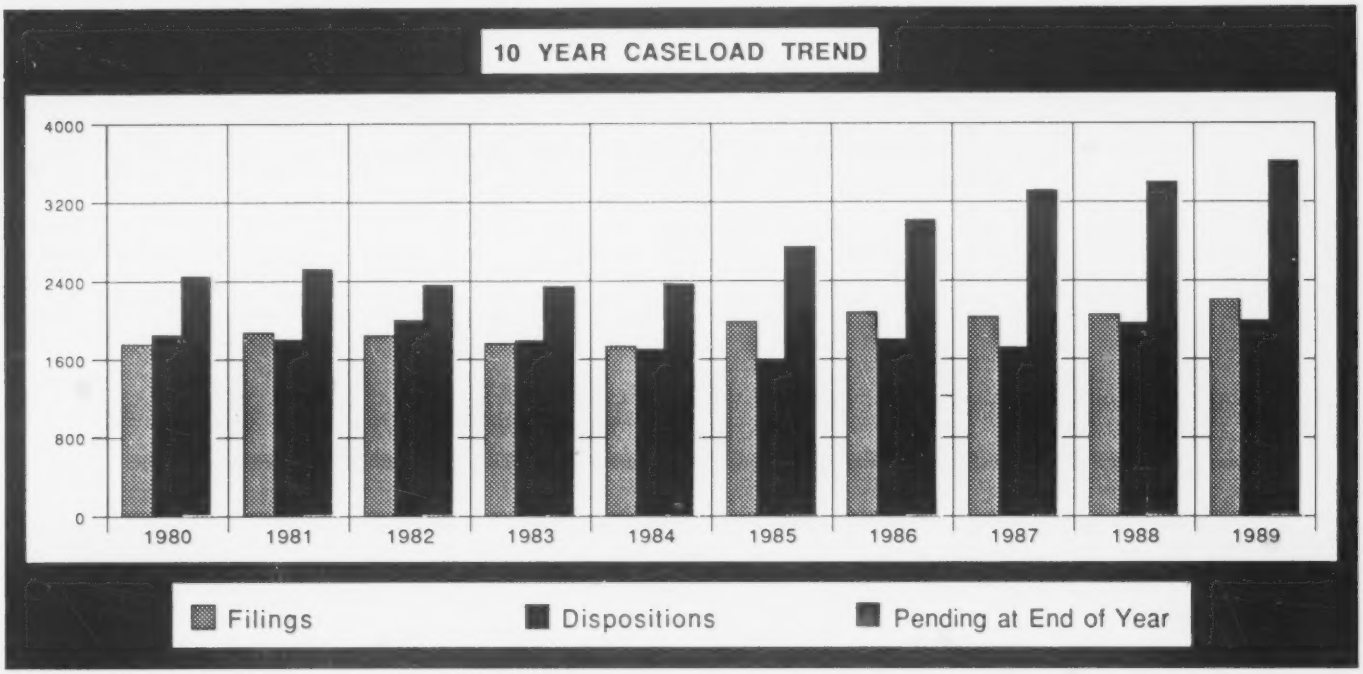
CLOSED

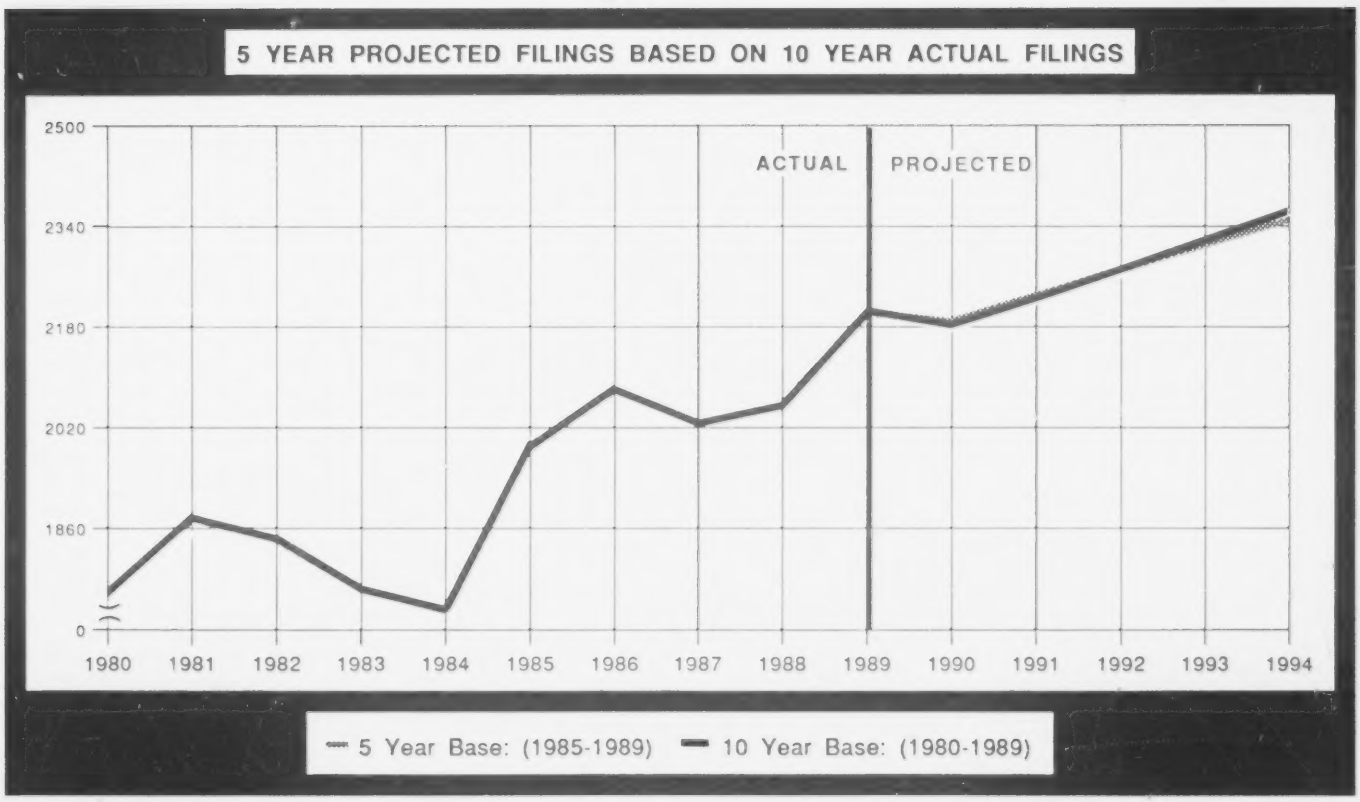
	1988	1989	Change	% Change
New Castle	1,120	1,120	0	0.0%
Kent	370	419	+ 49	+ 13.2%
Sussex	485	455	– 30	– 6.2%
State	1,975	1,994	+ 19	+ 1.0%

Source: New Castle County, Kent County, Sussex County Registers in Chancery, Administrative Office of the Courts

Court of Chancery area of the Sussex County Courthouse.

Court of Chancery – Estates





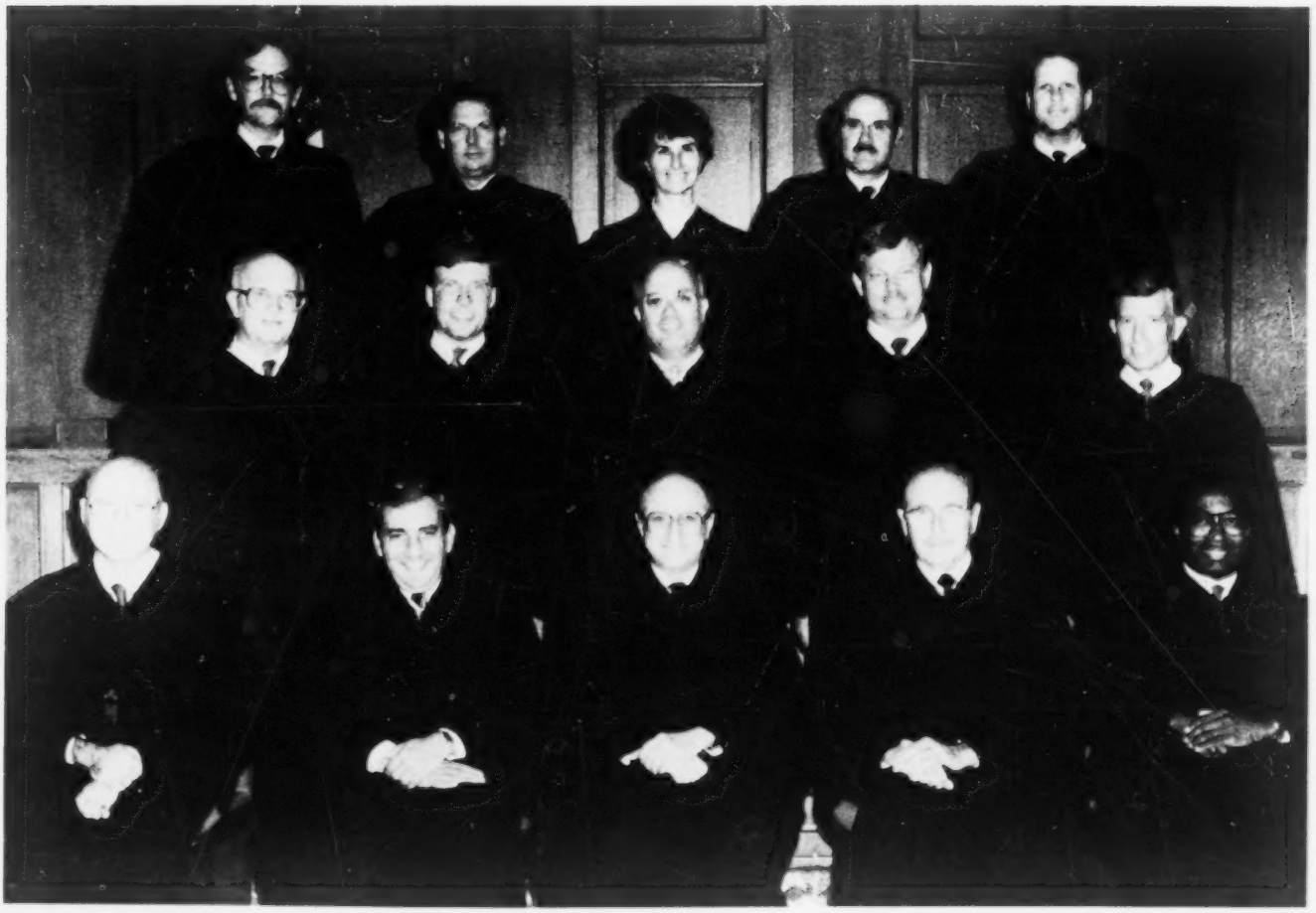
Trend lines computed by linear regression analysis.

Source: Administrative Office of the Courts

Superior Court

President Judge Albert J. Stiftel
Associate Judge Vincent A. Bifferato
Associate Judge Clarence W. Taylor
Associate Judge Bernard Balick
Resident Judge Joshua W. Martin, III
Associate Judge Vincent J. Poppiti
Associate Judge Richard S. Gebelein
Resident Judge Henry duPont Ridgely
Associate Judge John E. Babiarz, Jr.
Resident Judge William Swain Lee
Associate Judge Susan C. Del Pesco
Associate Judge Myron T. Steele
Associate Judge Norman A. Barron
Associate Judge Jerome O. Herlihy
Associate Judge T. Henley Graves

Superior Court



SUPERIOR COURT

Seated (Left-Right)
Associate Judge Bernard Balick
Associate Judge Vincent A. Bifferato
President Judge Albert J. Stiftel
Associate Judge Clarence W. Taylor
Resident Judge Joshua W. Martin, III

Middle (Left-Right)
Associate Judge John E. Babiarz, Jr.
Resident Judge Henry duPont Ridgely
Associate Judge Vincent J. Poppiti
Associate Judge Richard S. Gebelein
Resident Judge William Swain Lee

Back (Left-Right)
Associate Judge Jerome O. Herlihy
Associate Judge Myron T. Steele
Associate Judge Susan C. Del Pesco
Associate Judge Norman A. Barron
Associate Judge T. Henley Graves

Superior Court

Legal Authorization

The *Constitution of Delaware*, Article IV, Section I, created the Superior Court.

Court History

Superior Court's roots can be traced back more than 300 years to December 6, 1669 when John Binckson and two others were tried for treason for leading an insurrection against colonists loyal to England in favor of the King of Sweden.

The law courts which represent today's Superior Court jurisdiction go back as far as 1831 when they included Superior Court, which heard civil matters, the Court of General Sessions, which heard criminal matters, and the Court of Oyer and Terminer, which heard capital cases and consisted of all four law judges for the other two Courts.

In 1951 the Court of Oyer and Terminer and the Court of General Sessions were abolished and their jurisdictions were combined in today's Superior Court. The presiding judge of Superior Court was renamed President Judge. There were five Superior Court judges in 1951; there are fifteen today.

Geographic Organization

Sessions of Superior Court are held in each of the three counties at the county seat.

Legal Jurisdiction

Superior Court has statewide original jurisdiction over criminal and civil cases, except equity cases, over which the Court of Chancery has exclusive jurisdiction, and domestic relations matters, which jurisdiction is vested with the Family Court. The Court's authority to award damages is not subject to a monetary maximum. The Court hears cases of personal injury, libel and slander and contract claims. The Court also tries cases involving medical malpractice, legal malpractice, property cases involving mortgage foreclosures, mechanics liens, condemnations, and appeals related to landlord-tenant disputes and appeals from the Automobile Arbitration Board. The Court has exclusive jurisdiction over felonies and drug offenses (except most felonies and drug offenses involving minors and except possession of marijuana cases).

Superior Court has jurisdiction over involuntary commitments of the mentally ill to the Delaware State Hospital. The Court serves as an intermediate appellate court, hearing appeals on the record from the Court of Common Pleas, Family Court (adult criminal), and more than 50 administrative agencies including the Industrial Zoning and Adjustment Boards, and other quasi-judicial bodies. Appeals from Alderman's Courts, Justice of the Peace Courts, and Municipal Court are heard on trials de novo (second trials) in Superior Court. Appeals from Superior Court are argued on the record before the Supreme Court.

Judges

Number: There may be fifteen judges appointed to the Superior Court bench. This represents an increase of two judges as a result of Senate Bill 328. One of the fifteen Judges is appointed President Judge with administrative responsibility for the Court, and three are appointed as Resident Judges and must reside in the county in which they are appointed. No more than a bare majority of the Judges may be of one political party; the rest must be of the other major political party.

Appointment: Superior Court Judges are nominated by the Governor and confirmed by the Senate.

Tenure: The Judges are appointed for 12-year terms.

Qualifications: The Judges must be learned in the law.

Support Personnel

Superior Court may appoint court reporters, law clerks, bailiffs, pre-sentence officers, a secretary for each judge and other personnel.

An elected Prothonotary for each county serves as Clerk of the Superior Court for that county. The Prothonotary is the record keeper for the Superior Court and is directly involved with the daily operations of the Court. The Office handles the jury list, property liens, registration of law students and attorneys, and is the custodian of costs and fees for the Court and for the Attorney General. It issues permits to carry deadly weapons, receives bail, deals with the release of incarcerated prisoners, issues certificates of notary

Superior Court

public where applicable, issues certificates of election to elected officials, issues commitments to the State Hospital and collects and distributes restitution monies as ordered by the Court in addition to numerous other duties. It is also charged with the security, care and custody of Court's exhibits.

Elected Sheriffs, one per county, also serve Superior Court.

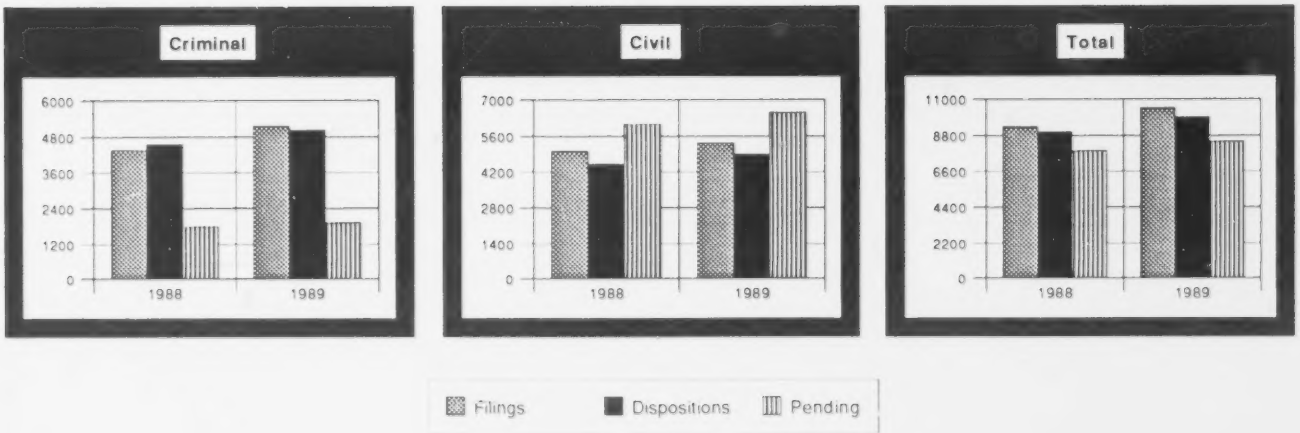
Caseload Trend

There was an increase of 18.5% in criminal filings to 5,147 in FY 1989 from 4,342 in FY 1988. Criminal dispositions rose by 10.7% to 5,011 in FY 1989 from 4,528 in FY 1988. The increase in criminal filings helped lead to a 7.6% rise in criminal pending at the end of the year to 1,917 at the end of FY 1989 from 1,781 at the end of FY 1988. The rate of compliance with the 120 Day Speedy Trial Directive fell to 49.9% in FY 1989 from 51.9% in FY 1988 after having increased the previous year.

Civil filings increased by 6.5% to 5,322 in FY 1989 from 4,999 in FY 1988. Civil dispositions rose by 8.7% from 4,491 in FY 1988 to 4,882 in FY 1989. Civil pending rose in all counties with a 7.3% increase in civil pending statewide from an amended total of 6,064 at the end of FY 1988 to 6,504 at the end of FY 1989. The civil arbitration program had increases in filings and dispositions in all counties, with filings increasing by 11.8% and dispositions rising by 19.6% during FY 1989.

Total filings rose by 12.1% to 10,469 in FY 1989 from 9,341 in FY 1988. Total dispositions increased by 9.7% from 9,019 in FY 1988 to 9,893 in FY 1989. There was a 7.3% increase in total pending to 8,421 at the end of FY 1989 from an amended total of 7,845 at the end of FY 1988.

Caseload Trends



Superior Court

FISCAL YEAR 1989 CRIMINAL CASES – CASELOAD SUMMARY

Number of Defendants

	Pending 6/30/88	Filings	Dispositions	Pending 6/30/89	Change In Pending	% Change In Pending
New Castle	1,259	3,662	3,570	1,351	+ 92	+ 7.4%
Kent	340	835	787	388	+ 48	+ 14.1%
Sussex	182	650	654	178	– 4	– 2.2%
State	1,781	5,147	5,011	1,917	+ 136	+ 7.6%

COMPARISON – FISCAL YEARS 1988-1989 CRIMINAL CASES – CASELOAD

FILINGS

Number of Defendants

	1988	1989	Change	% Change
New Castle	3,086	3,662	+ 576	+ 18.7%
Kent	602	835	+ 233	+ 38.7%
Sussex	654	650	– 4	– 0.6%
State	4,342	5,147	+ 805	+ 18.5%

COMPARISON – FISCAL YEARS 1988-1989 CRIMINAL CASES – CASELOAD

DISPOSITIONS

Number of Defendants

	1988	1989	Change	% Change
New Castle	3,220	3,570	+ 350	+ 10.9%
Kent	659	787	+ 128	+ 19.4%
Sussex	649	654	+ 5	+ 0.8%
State	4,528	5,011	+ 483	+ 10.7%

Source: Superior Court Case Scheduling Office, Administrative Office of the Courts

Superior Court

FISCAL YEAR 1989 CRIMINAL CASES – CASELOAD
EXPLANATORY NOTES

1. The unit of count in Superior Court criminal cases is the defendant. A defendant is defined as an individual named in an indictment, so that an individual named in 3 indictments is counted as 3 defendants. An individual with a consecutively-numbered series of informations, appeals, or transfers filed on the same day is counted as one defendant.

2. Informations are filed if defendants waive indictment.

3. Transfers are defendants brought before the Court of Common Pleas in New Castle County who request jury trials. Since the Court of Common Pleas in Kent and Sussex Counties itself holds jury trials, there are no transfers in either of those counties.

4. Reinstatements represent defendants who have had their cases disposed of who are brought back before Superior Court for one of the following reasons:
   - Mistrial
   - Hung jury
   - Motion for new trial granted
   - Guilty plea withdrawn
   - Lower court appeal reinstated after being dismissed
   - Conviction overturned by Supreme Court; remanded to Superior Court for new trial.

5. Severances are defendants indicted on multiple charges whose charges are severed to be tried separately.

6. Trial dispositions refer to the number of defendants whose charges were disposed of at a trial rather than the number of trials. The date of disposition is the trial date. Should the decision be reserved, it will be the date when the opinion is handed down.

7. A defendant is counted as being disposed of by nolle prosequi only if all charges in an indictment or information or all charges transferred or appealed simultaneously are dropped. For example, if a defendant pleads guilty to one charge in an indictment, and other charges in the same indictment are then nol-prossed, that defendant is considered to have been disposed of by guilty plea on the date of the plea.

8. Defendants are not counted as disposed of by nolle prosequi if the nolle prosequi was filed to an original charge because the defendant entered a guilty plea to a new information. The new information is a further action in an existing case and is not counted as a separate filing, so the nolle prosequi is not the primary disposition.

9. Only nolle prosequis filed for defendants who were actually brought before Superior Court by indictment, information, appeal, transfer, reinstatement, or severance are counted in the total number of Superior Court dispositions. Nolle prosequis of unindicted defendants are listed separately because such defendants were never formally before the Superior Court.

10. Unindicted nolle prosequis are felony or drug defendants who were arrested and were bound over to Superior Court by a lower court either because probable cause was found or because the defendant waived preliminary hearing. The Attorney General then decided not to seek indictment or the grand jury ignored the indictment and a nolle prosequi was filed.

11. Remands are defendants who appealed or transferred their cases to Superior Court and had them remanded back to the lower court. ADRR's are cases in which an appeal to Superior Court has been dismissed with the record being remanded to the court from which it came. ADRR's and remands do not constitute the dispositions of all appeals that are filed; some are disposed of by trial de novo, plea, or nolle prosequi.

12. A consolidation represents a single individual who is indicted separately on different charges but whose charges are consolidated to be tried together. Thus an individual indicted in January and again in February, and who is counted as two filings, will receive one trial disposition and one consolidation disposition if the charges are tried together.

13. Participation in the First Offender Program is limited to defendants who are charged with driving under the influence or select drug possession charges and are first-time offenders. The defendants choose to enroll in a rehabilitation program and waive their right to a speedy trial in the process. The charge is dropped once the defendant satisfactorily completes the program and pays all fees.

ADRR= Appeal Dismissed, Record Remanded

Superior Court

FISCAL YEAR 1989 CRIMINAL CASES – CASELOAD BREAKDOWNS

FILINGS

Number of Defendants Brought to Superior Court By:

	Indictment		Information		Appeal		Transfer		Reinstatement		Severance		TOTALS	
New Castle	2,855	78.0%	125	3.4%	100	2.7%	536	14.6%	41	1.1%	5	0.1%	3,662	100.0%
Kent	790	94.6%	31	3.7%	12	1.4%	0	0.0%	1	0.1%	1	0.1%	835	100.0%
Sussex	125	19.2%	516	79.4%	6	0.9%	0	0.0%	3	0.5%	0	0.0%	650	100.0%
State	3,770	73.2%	672	13.1%	118	2.3%	536	10.4%	45	0.9%	6	0.1%	5,147	100.0%

FISCAL YEAR 1989 CRIMINAL CASES – CASELOAD BREAKDOWNS

DISPOSITIONS

Number of Defendants Disposed of By:

	Trial		Guilty Plea		Nolle Prosequi		Remand or Dismissal		ADRR		Transfer		First Offender		Consolidation		TOTALS	
New Castle	254	7.1%	2,356	66.0%	717	20.1%	22	0.6%	30	0.8%	5	0.1%	184	5.2%	2	0.1%	3,570	100.0%
Kent	36	4.6%	653	83.0%	88	11.2%	7	0.9%	3	0.4%	0	0.0%	0	0.0%	0	0.0%	787	100.0%
Sussex	23	3.5%	515	78.7%	92	14.1%	8	1.2%	0	0.0%	8	1.2%	8	1.2%	0	0.0%	654	100.0%
State	313	6.2%	3,524	70.3%	897	17.9%	37	0.7%	33	0.7%	13	0.3%	192	3.8%	2	0.1%	5,011	100.0%

FISCAL YEAR 1989 CRIMINAL CASES – CASELOAD BREAKDOWNS

PENDING AT END OF YEAR

Number of Defendants

	Triable		Non-Triable		TOTALS	
New Castle	1,125	83.3%	226	16.7%	1,351	100.0%
Kent	77	19.8%	311	80.2%	388	100.0%
Sussex	159	89.3%	19	10.7%	178	100.0%
State	1,361	71.0%	556	29.0%	1,917	100.0%

FISCAL YEAR 1989 CRIMINAL CASES – CASELOAD BREAKDOWNS

CHANGE IN PENDING

Number of Defendants

	Triable	Non-Triable	TOTALS
New Castle	+ 89	+ 3	+ 92
Kent	– 8	+ 56	+ 48
Sussex	+ 58	– 62	– 4
State	+ 139	– 3	+ 136

ADRR = Appeal Dismissed, Record Remanded

Source: Superior Court Case Scheduling Office, Administrative Office of the Courts

Superior Court

FISCAL YEAR 1989 CRIMINAL CASES – TYPES OF DISPOSITIONS

TRIAL DISPOSITIONS – PART ONE

Number of Defendendents Disposed of by:

	Jury Trial		Non-Jury Trial		Totals		Guilty		Not Guilty*		No Final Disposition**		Totals	
New Castle	213	83.9%	41	16.1%	254	100.0%	188	74.0%	32	12.6%	34	13.4%	254	100.0%
Kent	36	100.0%	0	0.0%	36	100.0%	28	77.8%	2	5.6%	6	16.7%	36	100.0%
Sussex	17	73.9%	6	26.1%	23	100.0%	18	78.3%	5	21.7%	0	0.0%	23	100.0%
State	266	85.0%	47	15.0%	313	100.0%	234	74.8%	39	12.5%	40	12.8%	313	100.0%

FISCAL YEAR 1989 CRIMINAL CASES – TYPES OF DISPOSITIONS

TRIAL DISPOSITIONS – PART TWO

Number of Defendents Disposed of by:

	Jury Trial							Non Jury Trial						
	Guilty	Guilty LIO	Not Guilty	Nolle Prosequi At Trial	Dismissed At Trial	Mistrial	Hung Jury	Guilty	Guilty LIO	Not Guilty	Nolle Prosequi At Trial	Dismissed At Trial	Mistrial	TOTALS
New Castle	137	12	26	1	3	13	21	39	0	2	0	0	0	254
Kent	20	8	2	0	0	6	0	0	0	0	0	0	0	36
Sussex	12	1	4	0	0	0	0	4	1	1	0	0	0	23
State	169	21	32	1	3	19	21	43	1	3	0	0	0	313

LIO = Lesser Included Offense

*Includes Dismissals at Trial and Nolle Prosequis at Trial

**Hung Juries and Mistrials

Source: Superior Court Case Scheduling Offense, Administrative Office of the Courts

Prothonotary's Office, Sussex County Courthouse.

Superior Court

FISCAL YEAR 1989 CRIMINAL CASES – TYPES OF DISPOSITIONS

GUILTY PLEA DISPOSITIONS – FELONY

	PG-Original		PG-Lesser		PG-NI		PG-Information		Totals	
New Castle	795	77.3%	120	11.7%	10	1.0%	104	10.1%	1029	100.0%
Kent	197	81.7%	37	15.4%	2	0.8%	5	2.1%	241	100.0%
Sussex	213	68.1%	100	31.9%	0	0.0%	0	0.0%	313	100.0%
State	1205	76.1%	257	16.2%	12	0.8%	109	6.9%	1583	100.0%

FISCAL YEAR 1989 CRIMINAL CASES – TYPES OF DISPOSITIONS

GUILTY PLEA DISPOSITIONS – MISDEMEANOR

	PG-Original		PG-Lesser		PG-NI		PG-Information		Totals	
New Castle	408	30.7%	545	41.1%	56	4.2%	318	24.0%	1327	100.0%
Kent	198	48.1%	174	42.2%	20	4.9%	20	4.9%	412	100.0%
Sussex	131	64.9%	70	34.7%	1	0.5%	0	0.0%	202	100.0%
State	737	38.0%	789	40.6%	77	4.0%	338	17.4%	1941	100.0%

FISCAL YEAR 1989 CRIMINAL CASES – TYPES OF DISPOSITIONS

GUILTY PLEA DISPOSITIONS – TOTALS

	PG-Original		PG-Lesser		PG-NI		PG-Information		Totals	
New Castle	1203	51.1%	665	28.2%	66	2.8%	422	17.9%	2356	100.0%
Kent	395	60.5%	211	32.3%	22	3.4%	25	3.8%	653	100.0%
Sussex	344	66.8%	170	33.0%	1	0.2%	0	0.0%	515	100.0%
State	1942	55.1%	1046	29.7%	89	2.5%	447	12.7%	3524	100.0%

Explanatory Notes

1. Guilty plea dispositions do not include pleas made during trials. They are included in the trial disposition totals.
2. "PG-Original" includes defendents who pled guilty to all charges or to the major charge of a multi-count indictment, appeal, transfer or reinstatement.
3. "PG-Lesser" includes defendents who pled guilty to a lesser included offense of the most serious charge, a less serious charge of a multi-count indictment or other filings, or a lesser included offense of a less serious charge of a multi-count indictment or other filing.
4. "PG-NI" indicates that a defendent pled guilty to a new information – always a less serious charge than the original one.
5. "PG-Information" denotes a defendent who waived indictment and pled guilty to an information filed by the Attorney General.
6. A plea of nolo contendere is considered to be the equivalent of a guilty plea; e.g., a plea of nolo contendere to a lesser included offense is counted with PG-Lesser.

Source: Superior Court Case Scheduling Offense, Administrative Office of the Courts

Superior Court

FISCAL YEAR 1989 CRIMINAL CASES – TYPES OF DISPOSITIONS

NOLLE PROSEQUI DISPOSITIONS — PART ONE*

	Number of Defendants With Nolle Prosequis By Special Condition		Number of Defendants With Nolle Prosequis By Merit		Total Number of Defendants Disposed Of By Nolle Prosequi	
New Castle	339	47.3%	378	52.7%	717	100.0%
Kent	41	46.6%	47	53.4%	88	100.0%
Sussex	40	43.5%	52	56.5%	92	100.0%
State	420	46.8%	477	53.2%	897	100.0%

FISCAL YEAR 1989 CRIMINAL CASES – TYPES OF DISPOSITIONS

NOLLE PROSEQUI DISPOSITIONS — PART TWO*

	New Castle County	Kent County	Sussex County	State
Number of Defendants with Nolle Prosequis by Special Condition				
Guilty of Other Charges, Different Indictment	118	2	14	134
Disposed of in Other Court	35	5	5	45
Reindicted	72	3	0	75
Placed on AG's Probation	88	11	8	107
Made Restitution	8	6	1	15
Placed in Custody of Other Jurisdiction	1	0	0	1
Indicted on Other Charges	3	0	0	3
Without Prejudice	3	0	1	4
Miscellaneous	11	14	11	36
Number of Defendants with Nolle Prosequis by Merit				
Codefendant Guilty	11	1	0	12
Police Problems	7	1	1	9
Defense Valid	4	0	2	6
Prosecutive Merit	152	7	7	166
Victim or Witness Availability/Deceased	79	3	8	90
Victim or Witness Attitude/Credibility	29	4	3	36
Related to Indictment	6	0	2	8
Insufficient Evidence	75	27	25	127
Due Process	9	3	0	12
Miscellaneous	6	1	4	11
TOTAL	717	88	92	897

*Nolle Prosequis for indicted defendants only

AG = Attorney General

Source: Superior Court Case Scheduling Office, Administrative Office of the Courts

FISCAL YEAR 1989 CRIMINAL CASES – DISPOSITIONS BY OFFENSE TYPE

NEW CASTLE COUNTY

Number of Defendants Disposed of By:

Offense	Trial G-NG-NFD	Guilty Plea	NP	Dismissal	ADRR	Remand/ Transfer	First Offender	Cons.	TOTALS
Crimes of Violence									
Murder 1st	3 – 1 – 0	3	2	0	0	0	0	0	9
Murder 2nd	0 – 0 – 0	0	0	0	0	0	0	0	0
Manslaugher	0 – 0 – 0	2	0	0	0	0	0	0	2
Attempted Murder 1st	2 – 0 – 1	7	4	0	0	0	0	0	14
Assault 1st	2 – 0 – 0	7	3	0	0	0	0	0	12
Assault 2nd	10 – 2 – 0	96	25	3	0	0	0	0	136
Sexual Intercourse1st/2nd	10 – 3 – 2	48	12	0	0	0	0	0	75
Sexual Intercourse 3rd; Sex. Pen.	1 – 2 – 2	18	1	0	0	0	0	0	24
Sexual Contact	4 – 1 – 0	26	5	0	1	0	0	0	37
Kidnapping 1st/2nd	0 – 0 – 0	8	1	0	0	0	0	0	9
Robbery 1st	11 – 1 – 1	49	19	0	0	0	0	0	81
Robbery 2nd	5 – 0 – 0	44	14	0	0	0	0	0	63
Drug Offenses									
Delivery	23 – 2 – 4	230	46	3	0	0	3	0	311
Possession w/Intent to Deliver	5 – 0 – 0	190	33	0	0	0	8	0	236
Possession NN Schedule 1	7 – 0 – 0	180	53	1	0	0	134	0	375
Other Drug Offenses	1 – 0 – 2	57	28	0	0	0	7	0	95
Remaining Indicted Offenses									
All Forgery	2 – 0 – 0	172	31	1	0	0	0	0	206
Theft/RSP/Burglary	18 – 5 – 3	558	184	3	1	1	0	0	773
Weapons Offenses	7 – 2 – 1	245	41	5	0	0	3	0	304
Other	7 – 1 – 4	142	37	1	0	0	0	0	192
Appeals and Transfers									
DUI/CUI	21 – 3 – 9	162	19	2	9	0	29	0	254
Other Traffic Offenses	4 – 3 – 0	66	51	2	11	4	0	1	142
Non-Traffic Offenses	45 – 6 – 5	46	108	1	8	0	0	1	220
TOTALS	188 –32 –34	2,356	717	22	30	5	184	2	3,570

Sex. Pen. = Sexual Penetration
NN = Non-Narcotic
RSP = Receiving Stolen Property
DUI/CUI = Driving Under the Influence/Control Under the Influence
G = Guilty
NG = Not Guilty (includes Dismissals at Trial and Nolle Prosequis at Trial)
NFD = No Final Disposition (Hung Juries and Mistrials)
NP = Nolle Prosequi
ADRR = Appeal Dismissed, Record Remanded
Cons. = Consolidation

Source: Superior Court Case Scheduling Office, Administrative Office of the Courts

Superior Court

FISCAL YEAR 1989 CRIMINAL CASES – DISPOSITIONS BY OFFENSE TYPE

KENT COUNTY

Number of Defendants Disposed of By:

Offense	Trial G-NG-NFD	Guilty Plea	NP	Dismissal	ADRR	Remand/ Transfer	First Offender	TOTALS
Crimes of Violence								
Murder 1st	2-0-0	0	2	0	0	0	0	4
Murder 2nd	1-0-0	0	0	0	0	0	0	1
Manslaughter	1-0-0	0	0	0	0	0	0	1
Attempted Murder 1st	0-0-0	0	0	0	0	0	0	0
Assault 1st	1-0-0	3	2	0	0	0	0	6
Assault 2nd	0-0-1	11	5	4	0	0	0	21
Sexual Intercourse 1st/2nd	2-0-2	2	4	1	0	0	0	11
Sexual Intercourse 3rd;Sex. Pen.	1-0-0	4	1	0	0	0	0	6
Sexual Contact	0-0-0	11	2	0	0	0	0	13
Kidnapping 1st/2nd	0-0-0	1	0	0	0	0	0	1
Robbery 1st	0-0-0	7	0	0	0	0	0	7
Robbery 2nd	0-0-0	10	2	0	0	0	0	12
Drug Offenses								
Delivery	6-2-0	34	1	0	0	0	0	43
Possession w/Intent to Deliver	3-0-3	27	5	0	0	0	0	38
Possession NN Schedule 1	1-0-0	31	1	0	0	0	0	33
Other Drug Offenses	1-0-0	106	12	0	0	0	0	119
Remaining Indicted Offenses								
All Forgery	0-0-0	52	7	0	0	0	0	59
Theft/RSP/Burglary	4-0-0	164	30	2	0	0	0	200
Weapons Offenses	1-0-0	33	5	0	0	0	0	39
Other	4-0-0	108	7	0	1	0	0	120
Appeals and Transfers								
DUI/CUI	0-0-0	12	1	0	2	0	0	15
Other Traffic Offenses	0-0-0	33	1	0	0	0	0	34
Non-Traffic Offenses	0-0-0	4	0	0	0	0	0	4
TOTALS	28-2-6	653	88	7	3	0	0	787

Sex. Pen. = Sexual Penetration
NN = Non-Narcotic
RSP = Receiving Stolen Property
DUI/CUI = Driving Under the Influence/Control Under the Influence
G = Guilty
NG = Not Guilty (includes Dismissals at Trial and Nolle Prosequis at Trial)
NFD = No Final Disposition (Hung Juries and Mistrials)
NP = Nolle Prosequi
ADRR = Appeal Dismissed, Record Remanded

Source: Superior Court Case Scheduling Office, Administrative Office of the Courts

Superior Court

FISCAL YEAR 1989 CRIMINAL CASES – DISPOSITIONS BY OFFENSE TYPE

SUSSEX COUNTY

Number of Defendants Disposed of By:

Offense	Trial G-NG-NFD	Guilty Plea	NP	Dismissal	ADRR	Remand/ Transfer	First Offender	TOTALS
Crimes of Violence								
Murder 1st	3- 2-0	4	0	0	0	0	0	9
Murder 2nd	0- 0-0	1	0	0	0	0	0	1
Manslaughter	0- 0-0	2	0	0	0	0	0	2
Attempted Murder 1st	0- 0-0	2	0	0	0	0	0	2
Assault 1st	0- 1-0	6	0	0	0	0	0	7
Assault 2nd	1- 0-0	26	2	0	0	0	0	29
Sexual Intercourse 1st/2nd	3- 0-0	13	5	0	0	0	0	21
Sexual Intercourse 3rd;Sex. Pen.	2- 0-0	19	3	0	0	0	0	24
Sexual Contact	0- 0-0	15	1	0	0	0	0	16
Kidnapping 1st/2nd	0- 0-0	0	0	0	0	0	0	0
Robbery 1st	0- 0-0	12	2	0	0	0	0	14
Robbery 2nd	0- 0-0	7	1	0	0	0	0	8
Drug Offenses								
Delivery	0- 0-0	19	2	0	0	1	0	22
Possession w/Intent to Deliver	1- 0-0	14	4	0	0	0	0	19
Possession NN Schedule 1	0- 0-0	45	4	0	0	1	4	54
Other Drug Offenses	0- 0-0	14	9	0	0	0	0	23
Remaining Indicted Offenses								
All Forgery	0- 0-0	42	9	1	0	2	0	54
Theft/RSP/Burglary	5- 0-0	142	31	1	0	2	0	181
Weapons Offenses	0- 0-0	17	6	0	0	0	0	23
Other	1- 1-0	51	5	3	0	0	0	61
Appeals and Transfers								
DUI/CUI	2- 1-0	18	3	2	0	0	4	30
Other Traffic Offenses	0- 0-0	24	1	0	0	1	0	26
Non-Traffic Offenses	0- 0-0	22	4	1	0	1	0	28
TOTALS	18- 5-0	515	92	8	0	8	8	654

Sex. Pen. = Sexual Penetration
NN = Non-Narcotic
RSP = Receiving Stolen Property
DUI/CUI = Driving Under the Influence/Control Under the Influence
G = Guilty
NG = Not Guilty (includes Dismissals at Trial and Nolle Prosequis at Trial)
NFD = No Final Disposition (Hung Juries and Mistrials)
NP = Nolle Prosequi
ADRR = Appeal Dismissed, Record Remanded

Source: Superior Court Case Scheduling Office, Administrative Office of the Courts

FISCAL YEAR 1989 CRIMINAL CASES – DISPOSITIONS BY OFFENSE TYPE

STATE

Number of Defendants Disposed of By:

Offense	Trial G-NG-NFD	Guilty Plea	NP	Dismissal	ADRR	Remand/ Transfer	First Offender	Cons.	TOTALS
Crimes of Violence									
Murder 1st	8 – 3 – 0	7	4	0	0	0	0	0	22
Murder 2nd	1 – 0 – 0	1	0	0	0	0	0	0	2
Manslaughter	1 – 0 – 0	4	0	0	0	0	0	0	5
Attempted Murder 1st	2 – 0 – 1	9	4	0	0	0	0	0	16
Assault 1st	3 – 1 – 0	16	5	0	0	0	0	0	25
Assault 2nd	11 – 2 – 1	133	32	7	0	0	0	0	186
Sexual Intercourse 1st/2nd	15 – 3 – 4	63	21	1	0	0	0	0	107
Sexual Intercourse 3rd; Sex. Pen.	4 – 2 – 2	41	5	0	0	0	0	0	54
Sexual Contact	4 – 1 – 0	52	8	0	1	0	0	0	66
Kidnapping 1st/2nd	0 – 0 – 0	9	1	0	0	0	0	0	10
Robbery 1st	11 – 1 – 1	68	21	0	0	0	0	0	102
Robbery 2nd	5 – 0 – 0	61	17	0	0	0	0	0	83
Drug Offenses									
Delivery	29 – 4 – 4	283	49	3	0	1	3	0	376
Possession w/Intent to Deliver	9 – 0 – 3	231	42	0	0	0	8	0	293
Possession NN Schedule I	8 – 0 – 0	256	58	1	0	1	138	0	462
Other Drug Offenses	2 – 0 – 2	177	49	0	0	0	7	0	237
Remaining Indicted Offenses									
All Forgery	2 – 0 – 0	266	47	2	0	2	0	0	319
Theft/RSP/Burglary	27 – 5 – 3	864	245	6	1	3	0	0	1,154
Weapons Offenses	8 – 2 – 1	295	52	5	0	0	3	0	366
Other	12 – 2 – 4	301	49	4	1	0	0	0	373
Appeals and Transfers									
DUI/CUI	23 – 4 – 9	192	23	4	11	0	33	0	299
Other Traffic Offenses	4 – 3 – 0	123	53	2	11	5	0	1	202
Non-Traffic Offenses	45 – 6 – 5	72	112	2	8	1	0	1	252
TOTALS	234 –39 –40	3,524	897	37	33	13	192	2	5,011

Sex. Pen. = Sexual Penetration
NN = Non-Narcotic
RSP = Receiving Stolen Property
DUI/CUI = Driving Under the Influence/Control Under the Influence
G = Guilty
NG = Not Guilty (includes Dismissals at Trial and Nolle Prosequis at Trial)
NFD = No Final Disposition (Hung Juries and Mistrials)
NP = Nolle Prosequi
ADRR = Appeal Dismissed, Record Remanded
Cons. = Consolidation

Source: Superior Court Case Scheduling Office, Administrative Office of the Courts

Superior Court

FISCAL YEAR 1989 CRIMINAL CASES – TRIAL CALENDAR ACTIVITY

	Total Number of Defendants Scheduled	Number of Defendants Rescheduled	Percentage of Defendants Rescheduled	Rescheduled at Defense Request		Rescheduled at Prosecution Request		Rescheduled at Mutual Request		Rescheduled at Court Request	
New Castle	2,537	1,032	40.7%	470	45.5%	224	21.7%	141	13.7%	197	19.1%
Kent	562	236	42.0%	118	50.0%	45	19.1%	35	14.8%	38	16.1%
Sussex	575	272	47.3%	143	52.6%	74	27.2%	15	5.5%	40	14.7%
State	3674	1540	41.9%	731	47.5%	343	22.3%	191	12.4%	275	17.9%

COMPARISON – FISCAL YEARS 1988-1989 – CALENDAR ACTIVITY

SCHEDULED

Number of Defendants	1988	1989	Change	% Change
New Castle	2,636	2,537	– 99	– 3.8%
Kent	611	562	– 49	– 8.0%
Sussex	665	575	– 90	– 13.5%
State	3,912	3,674	– 238	– 6.1%

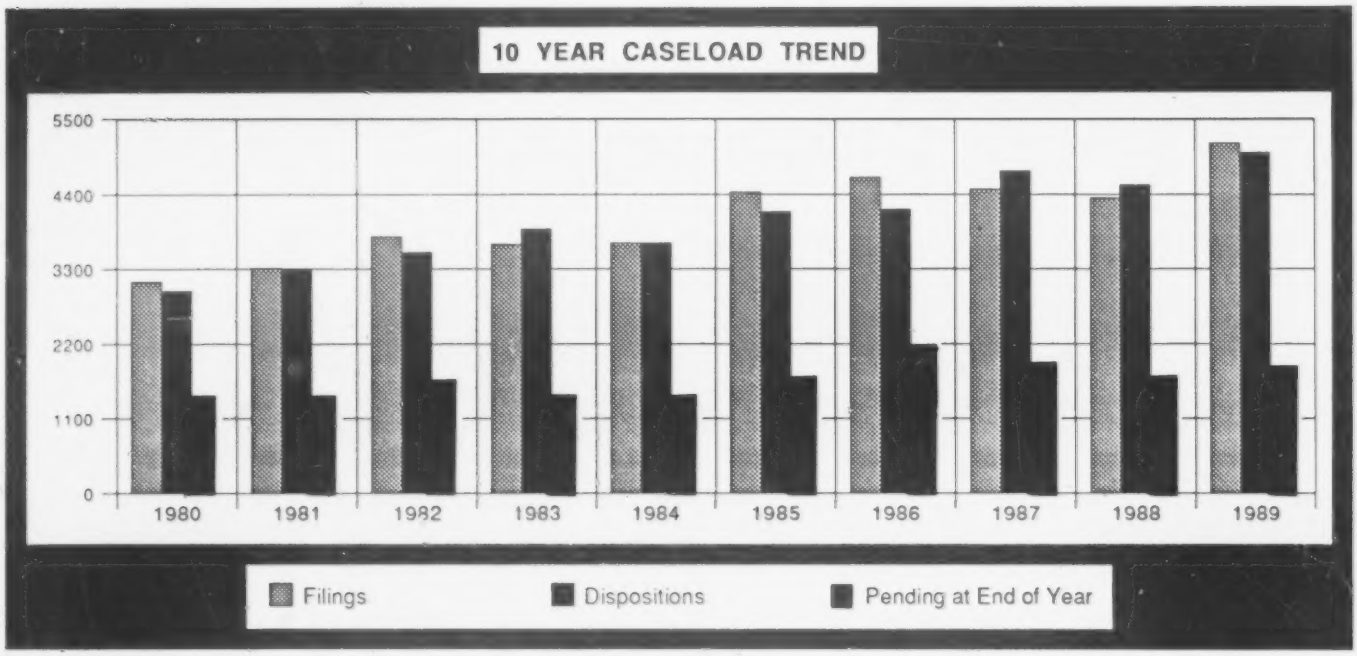
COMPARISON – FISCAL YEARS 1988-1989 – CALENDAR ACTIVITY

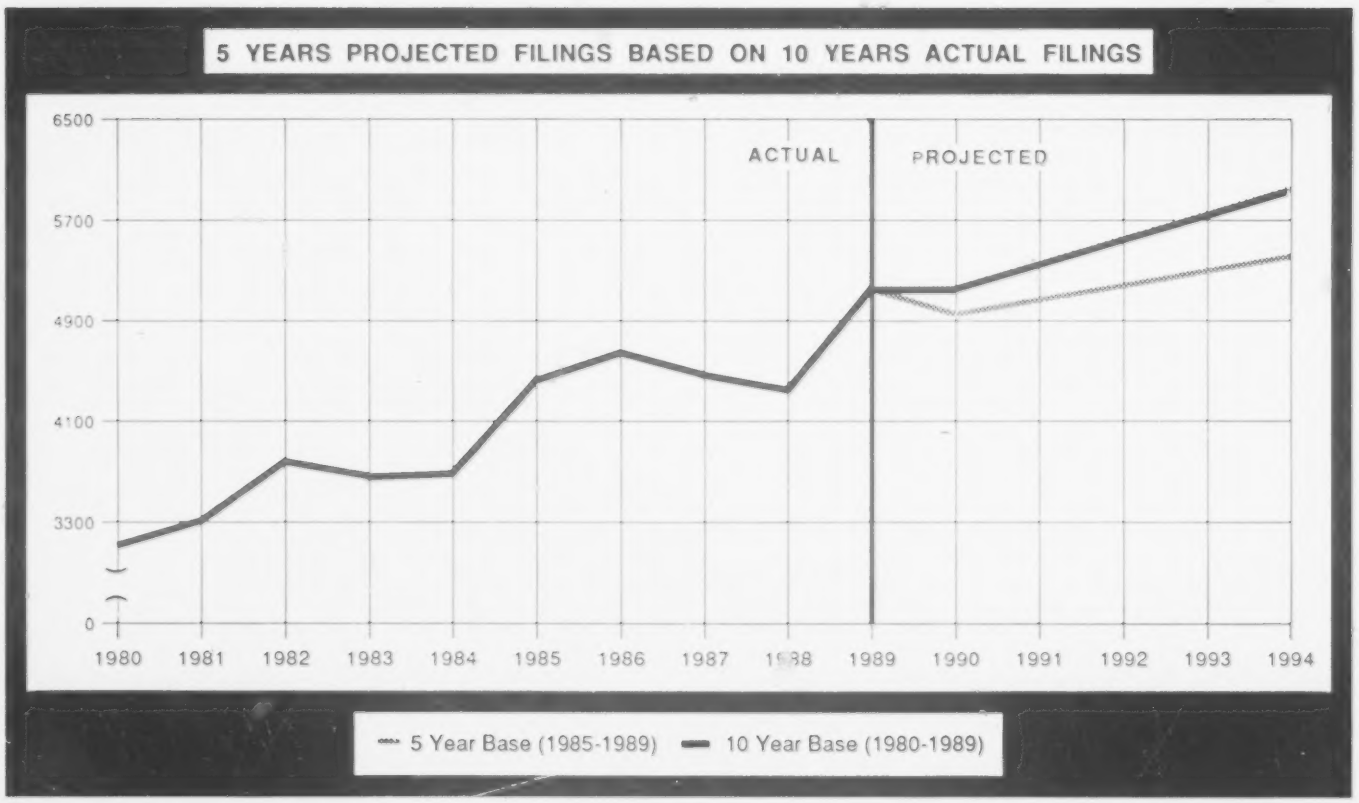
RESCHEDULED

Number of Defendants	1988	1989	Change	% Change
New Castle	1,032	1,032	0	0.0%
Kent	382	236	– 146	– 38.2%
Sussex	281	272	– 9	– 3.2%
State	1,695	1,540	– 155	– 9.1%

Source: Superior Court Case Scheduling Office, Administrative Office of the Courts

Superior Court — Criminal





Trend lines computed by linear regression analysis.

Source: Administrative Office of the Courts.

Superior Court

FISCAL YEAR 1989 CRIMINAL CASES – PERFORMANCE SUMMARY

	Total Number of Defendants Disposed of	Average Time from Arrest to Disposition	Median Time from Arrest to Disposition*	Average Time from Indictment/Information to Disposition#	Median Time from Indictment/Information to Disposition*#
New Castle	3,570	162.8 days	133.6 days	117.4 days	77.5 days
Kent	787	115.7 days	83.2 days	60.5 days	28.5 days
Sussex	654	111.9 days	88.2 days	82.3 days	48.7 days
State	5,011	148.8 days	119.8 days	103.9 days	66.0 days

FISCAL YEAR 1989 CRIMINAL CASES – PERFORMANCE SUMMARY

COMPLIANCE WITH 120-DAY SPEEDY TRIAL MANDATE

	Number of Defendants Disposed of Within 120 Days of Arrest		Number of Defendants Disposed of 121 Days or More After Arrest		Total Number of Defendants Disposed of	
New Castle	1,525	42.7%	2,045	57.3%	3,570	100.0%
Kent	543	69.0%	244	31.0%	787	100.0%
Sussex	434	66.4%	220	33.6%	654	100.0%
State	2,502	49.9%	2,509	50.1%	5,011	100.0%

FISCAL YEAR 1989 CRIMINAL CASES PERFORMANCE EXPLANATORY NOTES

1. The Speedy Trial Directive of former Chief Justice Daniel L. Herrmann states that all criminal defendants brought before Superior Court should be tried within 120 days of arrest.
2. The charts measure the average and median time intervals between arrest and disposition, and the average and median time intervals between indictment/information and disposition. Subtracting the figures for indictment/information to disposition from the figures for arrest to disposition would not determine the time from arrest to indictment/information exactly. This is because there may be a different number of cases being counted in the different categories (i.e., unindicted nolle prosequis).
3. In measuring the elapsed time of defendants for the purposes of computing compliance with speedy trial directives or average elapsed time, Superior Court excludes the following time intervals:
   a. For all capiases, the time between the date the capias is issued and the date the capias is executed.
   b. For all Rule 9 Summonses and Rule 9 Warrants, the time between arrest and indictment/information, if any.
   c. For all nolle prosequis, the time between the scheduled trial date and the actual filing date of the nolle prosequi.

*Calculated using grouped medians method

#Includes only defendants brought to Superior Court by indictment or information

Source: Superior Court Case Scheduling Office, Administrative Office of the Courts

Superior Court

FISCAL YEAR 1989 PRESENTENCE OFFICE – CASELOAD SUMMARY

	Pending* 6/30/88	Investigations Ordered	Investigations** Completed	Pending* 6/30/89	Change In Pending	% Change In Pending
New Castle	297	1,158	1,156	299	+ 2	+ 0.7%
Kent***	70	307	355	22	– 48	– 68.6%
Sussex***	19	97	94	22	+ 3	+ 15.8%
State	386	1,562	1,605	343	– 43	– 11.1%

COMPARISON – FISCAL YEARS 1988-1989 PRESENTENCE OFFICE – CASELOAD

INVESTIGATIONS ORDERED

	1988	1989	Change	% Change
New Castle	1,081	1,158	+ 77	+ 7.1%
Kent***	361	307	– 54	– 15.0%
Sussex***	183	97	– 86	– 47.0%
State	1,625	1,562	– 63	– 3.9%

COMPARISON – FISCAL YEARS 1988-1989 PRESENTENCE OFFICE – CASELOAD

INVESTIGATIONS COMPLETED**

	1988	1989	Change	% Change
New Castle	1,062	1,156	+ 94	+ 8.9%
Kent***	315	355	+ 40	+ 12.7%
Sussex***	265	94	– 171	– 64.5%
State	1,642	1,605	– 37	– 2.3%

*A pending investigation is one which has been ordered but has not yet been written and typed or otherwise closed (i.e., deceased defendant, motion for new trial granted, etc.)

**An investigation is completed when it has been both written and typed or has been otherwise closed (i.e., deceased defendant, motion for new trial granted, etc.)

***The Kent County and Sussex County Presentence Offices do investigations for both Superior Court and Court of Common Pleas. These figures reflect Superior Court investigations.

Source: Superior Court Presentence Offices: New Castle, Kent and Sussex Counties, Administrative Office of the Courts

Superior Court

FISCAL YEAR 1989 PRESENTENCE OFFICE – SENTENCING

	Immediate Sentencings		Sentenced After Presentence Investigation		Total Sentencings	
New Castle	1,441	57.5%	1,065	42.5%	2,506	100.0%
Kent	303	45.1%	369	54.9%	672	100.0%
Sussex	443	82.2%	96	17.8%	539	100.0%
State	2,187	58.8%	1,530	41.2%	3,717	100.0%

COMPARISON – FISCAL YEARS 1988-1989 – CASELOAD

	IMMEDIATE SENTENCINGS				SENTENCED AFTER PRESENTENCE INVESTIGATION			
	1988	1989	Change	% Change	1988	1989	Change	% Change
New Castle	1,313	1,441	+ 128	+ 9.8%	995	1,065	+ 70	+ 7.0%
Kent	141	303	+ 162	+ 114.9%	331	369	+ 38	+ 11.5%
Sussex	337	443	+ 106	+ 31.5%	219	96	– 123	– 56.2%
State	1,791	2,187	+ 396	+ 22.1%	1,545	1,530	– 15	– 1.0%

FISCAL YEAR 1989 PRESENTENCE OFFICE – PERFORMANCE SUMMARY

	Number of Defendants Sentenced After Presentence Investigations	Average Time From Date Ordered to Date Written	Average Time From Date Written to Date Typed	Average Time From Date Ordered to Date Typed	Average Time From Date Typed to Date Sentenced	Average Time From Date Ordered to Date Sentenced*
New Castle	1,065	50.1 days	4.0 days	54.0 days	50.2 days	104.2 days
Kent	369	31.7 days	13.9 days	45.6 days	25.0 days	70.5 days
Sussex	96	43.7 days	0.5 days	44.2 days	84.5 days	128.8 days
State	1,530	45.3 days	6.1 days	51.4 days	46.3 days	97.7 days

COMPARISON – FISCAL YEARS 1988-1989 – CASELOAD

COMPLIANCE WITH 30-DAY STANDARD**

	Number of Investigations Completed Within 30 Days of Verdict		Number of Investigations Completed 31 Days or More After Verdict		Total Number of Investigations Completed	
New Castle	203	17.6%	953	82.4%	1,156	100.0%
Kent	92	25.9%	263	74.1%	355	100.0%
Sussex	41	43.6%	53	56.4%	94	100.0%
State	336	20.9%	1,269	79.1%	1,605	100.0%

*There were 2,187 sentencings done immediately after plea or verdict and for which there was no actual elapsed time. These figures are gross elapsed time for cases where a presentence investigation was ordered from the date the presentence investigation was ordered to the defendant's sentencing date. They include all delays due to capiases, continuances and motions. If these delays were excluded, the elapsed times for presentence investigations from the date ordered to the date sentenced would be as follows:

New Castle	80.6 days
Kent	66.3 days
Sussex	55.3 days
State	75.6 days

**The Speedy Trial Directive of former Chief Justice Daniel L. Herrmann includes a standard that the time from the Court's verdict to the completion of the presentence investigation should not exceed 30 days. A presentence investigation is considered to be completed once it has been written and typed or otherwise closed (i.e., motion granted, defendant deceased, etc.).

Source: New Castle County, Kent County, and Sussex County Presentence Offices; Administrative Office of the Courts.

Superior Court

COMPARISON – FISCAL YEARS 1988-1989 PRESENTENCE OFFICE – PERFORMANCE

	1988	1989	Change	% Change
NEW CASTLE				
# of Defendants Sentenced After Presentence Investigations	995	1,065	+ 70	+ 7.0%
Average Time From Date Ordered to Date Written	48.4 days	50.1 days	+ 1.7 days	+ 3.5%
Average Time From Date Written to Date Typed	5.2 days	4.0 days	– 1.2 days	– 23.1%
Average Time From Date Ordered to Date Typed	53.6 days	54.0 days	+ 0.4 days	+ 0.8%
Average Time From Date Typed to Date Sentenced	65.1 days	50.2 days	– 14.9 days	– 22.9%
Average Time From Date Ordered to Date Sentenced	118.7 days	104.2 days	– 14.5 days	– 12.2%
KENT COUNTY*				
# of Defendants Sentenced After Presentence Investigations	331	369	+ 38	+ 11.5%
Average Time From Date Ordered to Date Written	43.6 days	31.7 days	– 11.9 days	– 27.3%
Average Time From Date Written to Date Typed	10.1 days	13.9 days	+ 3.8 days	+ 37.6%
Average Time From Date Ordered to Date Typed	53.7 days	45.6 days	– 8.1 days	– 15.1%
Average Time From Date Typed to Date Sentenced	45.3 days	25.0 days	– 20.3 days	– 44.8%
Average Time From Date Ordered to Date Sentenced	99.0 days	70.5 days	– 28.5 days	– 28.8%
SUSSEX COUNTY*				
# of Defendants Sentenced After Presentence Investigations	219	96	– 123	– 56.2%
Average Time From Date Ordered to Date Written	97.3 days	43.7 days	– 53.6 days	– 55.1%
Average Time From Date Written to Date Typed	0.7 days	0.5 days	– 0.2 days	– 28.6%
Average Time From Date Ordered to Date Typed	97.9 days	44.2 days	– 53.7 days	– 54.9%
Average Time From Date Typed to Date Sentenced	27.6 days	84.5 days	+ 56.9 days	+ 206.2%
Average Time From Date Ordered to Date Sentenced	125.5 days	128.8 days	+ 3.3 days	+ 2.6%
STATE*				
# of Defendants Sentenced After Presentence Investigations	1,545	1,530	– 15	– 1.0%
Average Time From Date Ordered to Date Written	54.3 days	45.3 days	– 9.0 days	– 16.6%
Average Time From Date Written to Date Typed	5.6 days	6.1 days	+ 0.5 days	+ 8.9%
Average Time From Date Ordered to Date Typed	59.9 days	51.4 days	– 8.5 days	– 14.2%
Average Time From Date Typed to Date Sentenced	55.5 days	46.3 days	– 9.2 days	– 16.6%
Average Time From Date Ordered to Date Sentenced	115.4 days	97.7 days	– 17.7 days	– 15.3%

*Kent County and Sussex County Presentence Offices also do investigations for the Court of Common Pleas. These figures are for Superior Court only.

Source: New Castle County, Kent County and Sussex County Presentence Offices, Administrative Office of the Courts

Superior Court, Presentence Office, New Castle County.

Superior Court

FISCAL YEAR 1989 CIVIL CASES – CASELOAD SUMMARY

	Pending 6/30/88	Filings	Dispositions	Pending 6/30/89	Change In Pending	% Change In Pending
New Castle	4,712	4,130	3,942	4,900	+ 188	+ 4.0%
Kent	524 *	556	439	641	+ 117	+ 22.4%
Sussex	828	636	501	963	+ 135	+ 16.3%
State	6,064 *	5,322	4,882	6,504	+ 440	+ 7.3%

COMPARISON – FISCAL YEARS 1988-1989 CIVIL CASES – CASELOAD

FILINGS

	1988	1989	Change	% Change
New Castle	3,802	4,130	+ 328	+ 8.6%
Kent	573	556	– 17	– 3.0%
Sussex	624	636	+ 12	+ 1.9%
State	4,999	5,322	+ 323	+ 6.5%

COMPARISON – FISCAL YEARS 1988-1989 CIVIL CASES – CASELOAD

DISPOSITIONS

	1988	1989	Change	% Change
New Castle	3,662	3,942	+ 280	+ 7.6%
Kent	443	439	– 4	– 0.9%
Sussex	386	501	+ 115	+ 29.8%
State	4,491	4,882	+ 391	+ 8.7%

*Amended from 1988 Annual Report

Source: New Castle County, Kent County, and Sussex County Prothonotaries, Administrative Office of the Courts

Superior Court,
Prothonotary's Office,
New Castle County.

FISCAL YEAR 1989 CIVIL CASES
EXPLANATORY NOTES

1. Complaints are suits for damages. During FY 1989, activity in the Complaints category included Complaints for Damages, Condemnations, Ejectments, Appeals from Justice of the Peace Court and from arbitration panels, Declaratory Judgements, Foreign Judgements, Replevins, Foreign Attachments, Domestic Attachments, Interpleaders, Amicable Actions, Breach of Contract, Transfers and Removals from the Court of Chancery, Transfers and Removals from the Court of Common Pleas, and Debt Actions.
2. Mechanic's Liens and Mortgages are property suits.
3. Involuntary Commitments are proceedings held to determine whether individuals shall be involuntarily committed as mentally ill. Because Delaware State Hospital, the State's facility for mentally ill patients, is located in New Castle County, almost all Involuntary Commitment hearings are held in New Castle County.
4. Appeals are appeals on the record. This category includes Appeals from Administrative Agencies, Appeals from Family Court, Appeals from the Court of Common Pleas and Certioraris.
5. Miscellaneous includes all other cases. During FY 1989 this category included Complaints Requesting Order, Habeus Corpus, Mandamus, Writs of Prohibition, Petitions for Destruction of Indicia of Arrest, Petitions to Compel Satisfaction of Judgement, Petitions to Extend Judgement, Petitions for Bail Forfeitures, Petitions to Satisfy Mortgage, Petitions to Set Aside Mortgage, Petitions for Issuance of Subpoena, Petitions for Appointment of Attorney, Out of State Depositions, Petitions to Sell Real Estate for Property Taxes, Petitions for Return of Property, Petitions to Vacate Public Road, Tax Ditches, Rules to Show Cause, In Forma Pauperis Actions, Road Resolutions, Cease and Desist Orders, and Motions for Habitual Offenders.

FISCAL YEAR 1989 CIVIL CASES – CASELOAD BREAKDOWNS

FILINGS

	Complaints		Mechanic's Liens and Mortgages		Appeals		Involuntary Commitments		Miscellaneous		TOTALS	
New Castle	2,779	67.3%	439	10.6%	158	3.8%	411	10.0%	343	8.3%	4,130	100.0%
Kent	391	70.3%	67	12.1%	34	6.1%	0	0.0%	64	11.5%	556	100.0%
Sussex	386	60.7%	162	25.5%	34	5.3%	0	0.0%	54	8.5%	636	100.0%
State	3,556	66.8%	668	12.6%	226	4.2%	411	7.7%	461	8.7%	5,322	100.0%

FISCAL YEAR 1989 CIVIL CASES – CASELOAD BREAKDOWNS

DISPOSITIONS

	Complaints		Mechanic's Liens and Mortgages		Appeals		Involuntary Commitments		Miscellaneous		TOTALS	
New Castle	2,688	68.2%	403	10.2%	141	3.6%	394	10.0%	316	8.0%	3,942	100.0%
Kent	316	72.0%	66	15.0%	8	1.8%	0	0.0%	49	11.2%	439	100.0%
Sussex	261	52.1%	114	22.8%	24	4.8%	0	0.0%	102	20.4%	501	100.0%
State	3,265	66.9%	583	11.9%	173	3.5%	394	8.1%	467	9.6%	4,882	100.0%

Source: New Castle County, Kent County, and Sussex County Prothonotaries' Offices, Administrative Office of the Courts

FISCAL YEAR 1989 CIVIL CASES – CASELOAD BREAKDOWNS (cont'd.)

PENDING AT END OF YEAR

	Complaints		Mechanic's Liens and Mortgages		Appeals		Involuntary Commitments		Miscellaneous		TOTALS	
New Castle	4,179	85.3%	311	6.3%	143	2.9%	121	2.5%	146	3.0%	4,900	100.0%
Kent	507	79.1%	42	6.6%	73	11.4%	0	0.0%	19	3.0%	641	100.0%
Sussex	582	60.4%	211	21.9%	99	10.3%	0	0.0%	71	7.4%	963	100.0%
State	5,268	81.0%	564	8.7%	315	4.8%	121	1.8%	236	3.6%	6,504	100.0%

FISCAL YEAR 1989 CIVIL CASES – CASELOAD BREAKDOWNS

CHANGE IN PENDING

	Complaints	Mechanic's Liens and Mortgages	Appeals	Involuntary Commitments	Miscellaneous	TOTALS
New Castle	+ 91	+ 36	+ 17	+ 17	+ 27	+ 188
Kent	+ 75	+ 1	+ 26	0	+ 15	+ 117
Sussex	+ 125	+ 48	+ 10	0	– 48	+ 133
State	+ 291	+ 85	+ 53	+ 17	– 6	+ 440

FISCAL YEAR 1989 CIVIL CASES – TYPES OF DISPOSITIONS

COMPLAINTS DISPOSITIONS*

	Trial Dispositions				Non-Trial Dispositions*												TOTALS	
	Judgment for Plaintiff		Judgment for Defendant		Default Judgment for Plaintiff		Other Judgment for Plaintiff		Judgment for Defendant		Voluntary Dismissal		Court Dismissal		Other			
New Castle	43	1.6%	33	1.2%	203	7.6%	281	10.5%	73	2.7%	1,758	65.4%	295	11.0%	2	0.1%	2,688	100.0%
Kent	4	1.3%	0	0.0%	27	8.5%	27	8.5%	6	1.9%	242	76.6%	10	3.2%	0	0.0%	316	100.0%
Sussex	5	1.9%	7	2.7%	31	11.9%	7	2.7%	7	2.7%	192	73.6%	12	4.6%	0	0.0%	261	100.0%
State	52	1.6%	40	1.2%	261	8.0%	315	9.7%	86	2.6%	2,192	67.1%	317	9.7%	2	0.1%	3,265	100.0%

*Includes cases assigned for arbitration that are disposed of for Superior Court.

Source: New Castle County, Kent County, and Sussex County Prothonotaries' Offices, Administrative Office of the Courts.

FISCAL YEAR 1989 CIVIL CASES – TYPES OF DISPOSITIONS (cont'd.)

MECHANIC'S LIENS AND MORTGAGES DISPOSITIONS*

	Trial Dispositions				Non-Trial Dispositions*											
	Judgment for Plaintiff		Judgment for Defendant		Default Judgment for Plaintiff		Other Judgment for Plaintiff		Judgment for Defendant		Voluntary Dismissal		Court Dismissal		Other		TOTALS	
New Castle	0	0.0%	0	0.0%	155	38.5%	16	4.0%	2	0.5%	167	41.4%	63	15.6%	0	0.0%	403	100.0%
Kent	0	0.0%	0	0.0%	28	42.4%	5	7.6%	0	0.0%	28	42.4%	5	7.6%	0	0.0%	66	100.0%
Sussex	1	0.9%	0	0.0%	53	46.5%	0	0.0%	0	0.0%	53	46.5%	7	6.1%	0	0.0%	114	100.0%
State	1	0.2%	0	0.0%	236	40.5%	21	3.6%	2	0.3%	248	42.5%	75	12.9%	0	0.0%	583	100.0%

FISCAL YEAR 1989 CIVIL CASES – TYPES OF DISPOSITIONS

INVOLUNTARY COMMITMENTS DISPOSITIONS

	Dismissed-Voluntary Commitment		Dismissed-No Probable Cause		Dismissed-Released By Hospital		Dismissed-Defendant Deceased		TOTAL	
New Castle	180	45.7%	2	0.5%	212	53.8%	0	0.0%	394	100.0%

FISCAL YEAR 1989 CIVIL CASES – TYPES OF DISPOSITIONS

APPEALS DISPOSITIONS

	Affirmed		Reversed		Affirmed Part/ Reversed Part		Voluntarily Dismissed		Dismissed By Court		Remanded		TOTALS	
New Castle	54	38.3%	15	10.6%	0	0.0%	37	26.2%	23	16.3%	12	8.5%	141	100.0%
Kent	1	12.5%	0	0.0%	0	0.0%	5	62.5%	2	25.0%	0	0.0%	8	100.0%
Sussex	5	20.8%	5	20.8%	0	0.0%	9	37.5%	4	16.7%	1	4.2%	24	100.0%
State	60	34.7%	20	11.6%	0	0.0%	51	29.5%	29	16.8%	13	7.5%	173	100.0%

FISCAL YEAR 1989 CIVIL CASES – TYPES OF DISPOSITIONS

MISCELLANEOUS DISPOSITIONS

	Signed/Granted		Denied/Dismissed		Disposition Simultaneous With Filing		TOTALS	
New Castle	221	69.9%	83	26.3%	12	3.8%	316	100.0%
Kent	22	44.9%	27	55.1%	0	0.0%	49	100.0%
Sussex	71	69.6%	14	13.7%	17	16.7%	102	100.0%
State	314	67.2%	124	26.6%	29	6.2%	467	100.0%

Source: New Castle County, Kent County, and Sussex County Prothonotaries' Offices, Administrative Office of the Courts.

Superior Court

FISCAL YEAR 1989 CIVIL CASES – TRIALS

	Number of Jury Trials		Number of Non-Jury Trials		Number of Special Jury Trials		Total Number Of Trials	
New Castle	75	74.3%	25	24.8%	1	1.0%	101	100.0%
Kent	5	45.5%	6	54.5%	0	0.0%	11	100.0%
Sussex	8	57.1%	5	35.7%	1	7.1%	14	100.0%
State	88	69.8%	36	28.6%	2	1.6%	126	100.0%

FISCAL YEAR 1989 CIVIL CASES – CALENDAR ACTIVITY

	Cases Tried		Cases Settled or Dismissed		Cases Continued for Settlement		Cases Continued Due to Lack of Judge		Cases Continued at Request of Attorney		Total Cases Scheduled	
New Castle	101	10.0%	417	41.1%	271	26.7%	0	0.0%	225	22.2%	1,014	100.0%
Kent	11	10.9%	63	62.4%	11	10.9%	0	0.0%	16	15.8%	101	100.0%
Sussex	14	12.0%	41	35.0%	4	3.4%	8	6.8%	50	42.7%	117	100.0%
State	126	10.2%	521	42.3%	286	23.2%	8	0.6%	291	23.6%	1,232	100.0%

FISCAL YEAR 1989 CIVIL CASES – PERFORMANCE SUMMARY

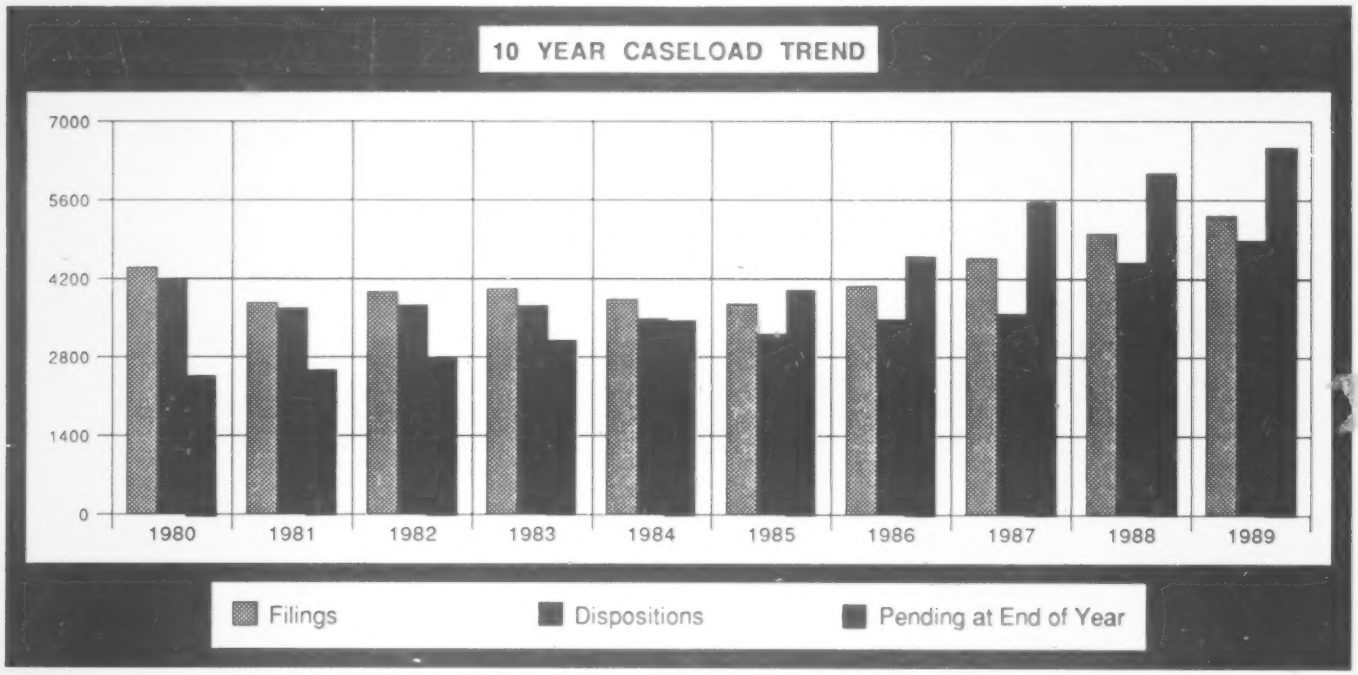
	COMPLAINTS		MECHANIC'S LIENS AND MORTGAGES	
	Number of Dispositions	Average Time from Filing to Disposition	Number of Dispositions	Average Time from Filing to Disposition
New Castle	2,688	581.0 days	403	354.5 days
Kent	316	488.6 days	66	293.5 days
Sussex	261	479.7 days	114	172.2 days
State	3,265	563.9 days	583	311.9 days

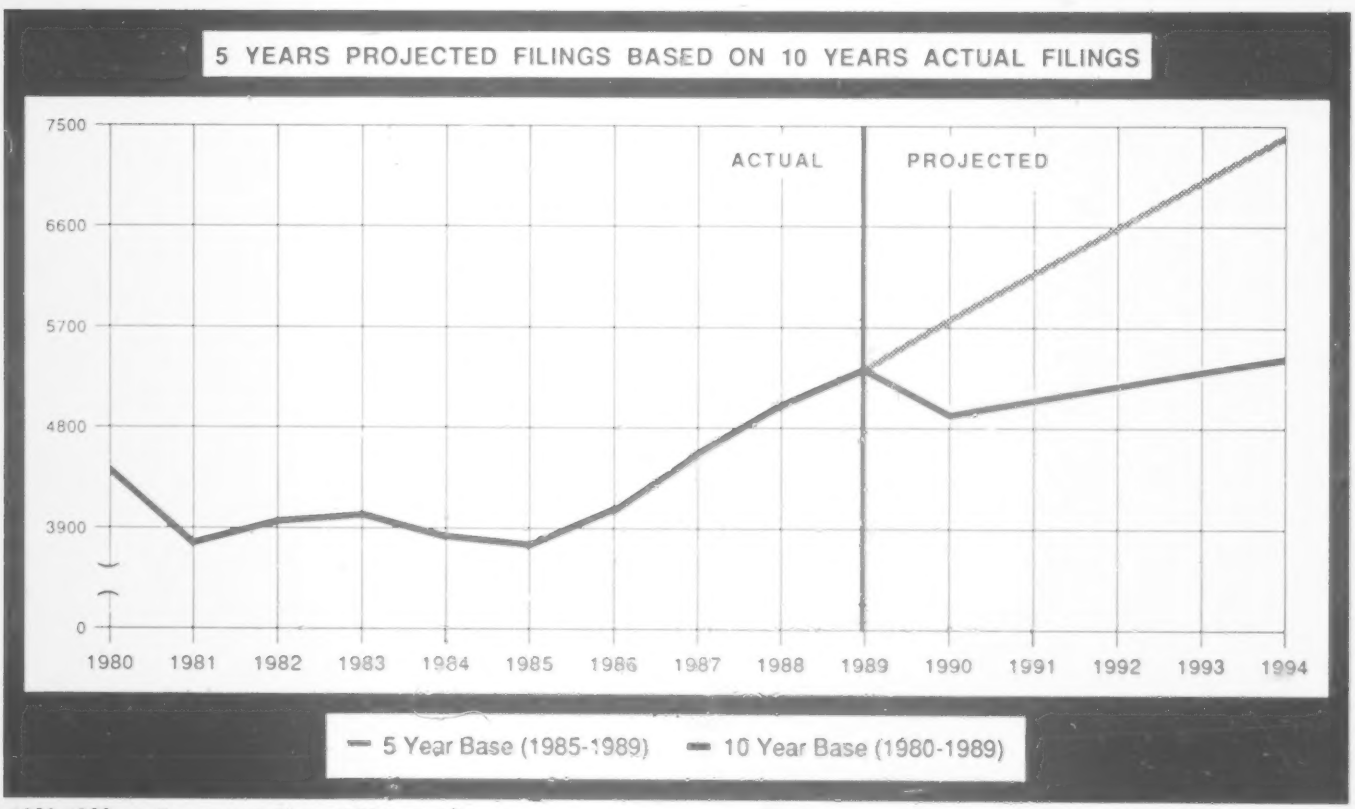
FISCAL YEAR 1989 CIVIL CASES – PERFORMANCE SUMMARY

	APPEALS		INVOLUNTARY COMMITMENTS		MISCELLANEOUS	
	Number of Dispositions	Average Time from Filing to Disposition	Number of Dispositions	Average Time from Filing to Disposition	Number of Dispositions	Average Time from Filing to Disposition
New Castle	141	265.0 days	394	100.1 days	316	108.5 days
Kent	8	202.5 days	0	–	49	29.6 days
Sussex	24	309.8 days	0	–	102	34.2 days
State	173	268.3 days	394	100.1 days	467	84.0 days

Source: New Castle County, Kent County, and Sussex County Prothonotaries' Offices, Administrative Office of the Courts

Superior Court — Civil





1980-1988 pending amended from 1988 Annual Report.

Trend lines computed by linear regression analysis.

Source: Administrative Office of the Courts.

Superior Court

FISCAL YEAR 1989 CIVIL CASES – PERFORMANCE BREAKDOWNS

COMPLAINTS – METHOD

METHOD OF DISPOSITION

Number of Cases Disposed of by:

	Trial	Arbitrator's Order	Default Judgment	Voluntary Dismissal	Other	TOTAL
New Castle	76 2.8%	262 9.8%	203 7.5%	1,758 65.4%	389 14.5%	2,688 100.0%
Kent	4 1.3%	Not Available	27 8.5%	242 76.6%	43 13.6%	316 100.0%
Sussex	12 4.6%	Not Available	31 11.9%	192 73.6%	26 10.0%	261 100.0%
State	92 2.8%	262* 8.0%	261 8.0%	2,192 67.1%	458 14.0%	3,265 100.0%

FISCAL YEAR 1989 CIVIL CASES – PERFORMANCE BREAKDOWNS

COMPLAINTS – ELAPSED TIME

AVERAGE TIME FROM FILING TO DISPOSITION

Cases Disposed of by:

	Trial	Arbitrator's Order	Default Judgment	Voluntary Dismissal	Other	TOTAL
New Castle	1,157.2 days	277.1 days	156.6 days	552.3 days	1,028.0 days	581.0 days
Kent	1,838.2 days	Not Available	143.4 days	535.8 days	296.0 days	488.6 days
Sussex	927.3 days	Not Available	64.2 days	513.5 days	519.0 days	479.7 days
State	1,156.9 days	277.1 days*	141.5 days	547.1 days	929.2 days	563.9 days

FISCAL YEAR 1989 CIVIL CASES – PERFORMANCE BREAKDOWNS

MECHANIC'S LIENS AND MORTGAGES – METHOD

METHOD OF DISPOSITION

Number of Cases Disposed of by:

	Trial	Arbitrator's Order	Default Judgment	Voluntary Dismissal	Other	TOTAL
New Castle	0 0.0%	8 2.0%	155 38.5%	167 41.4%	73 18.1%	403 100.0%
Kent	0 0.0%	Not Available	31 47.0%	28 42.4%	7 10.6%	66 100.0%
Sussex	1 0.9%	Not Available	53 46.5%	53 46.5%	7 6.1%	114 100.0%
State	1 0.2%	8* 1.4%	239 41.0%	248 42.5%	87 14.9%	583 100.0%

FISCAL YEAR 1989 CIVIL CASES – PERFORMANCE BREAKDOWNS

MECHANIC'S LIENS AND MORTGAGES – ELAPSED TIME

AVERAGE TIME FROM FILING TO DISPOSITION

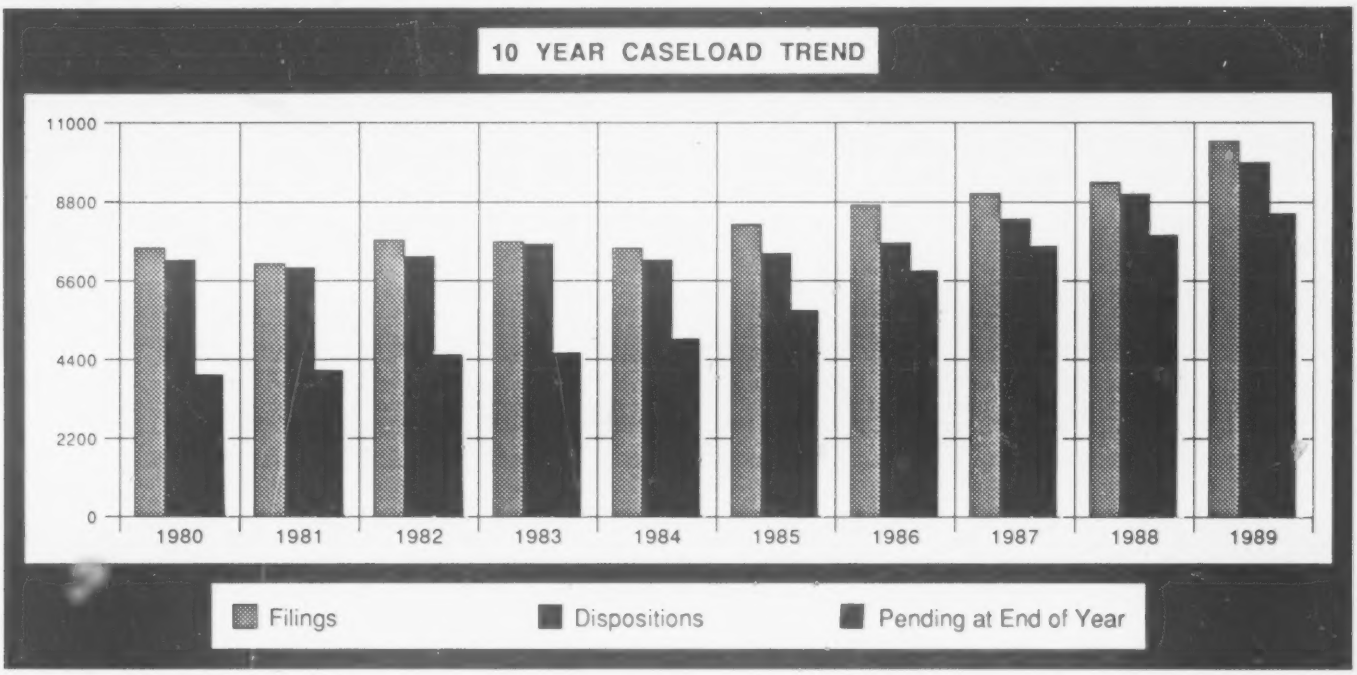
Cases Disposed of by:

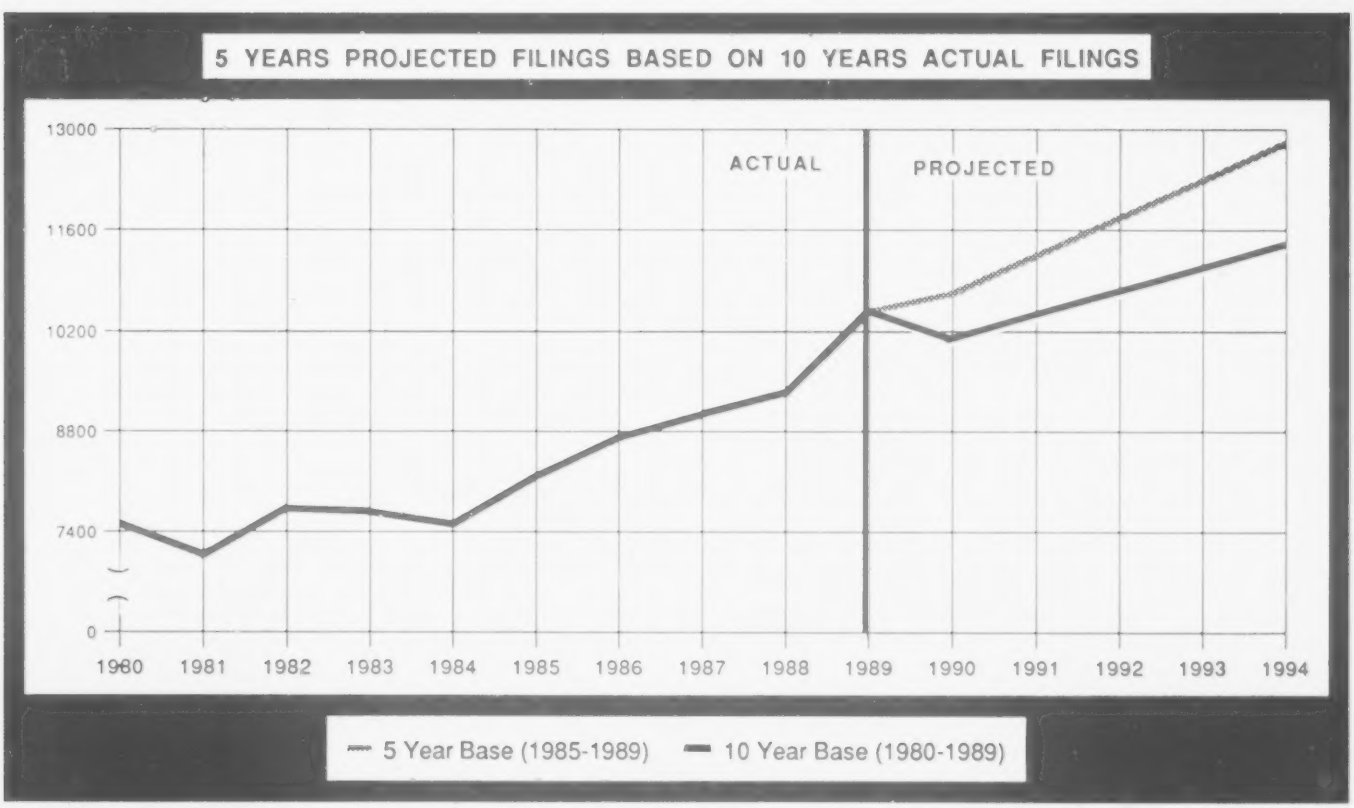
	Trial	Arbitrator's Order	Default Judgment	Voluntary Dismissal	Other	TOTAL
New Castle	– days	217.2 days	127.0 days	308.8 days	957.0 days	354.5 days
Kent	– days	Not Available	157.6 days	287.1 days	920.7 days	293.5 days
Sussex	160.0 days	Not Available	83.4 days	225.4 days	443.4 days	172.2 days
State	160.0 days	217.2 days*	121.3 days	288.5 days	912.8 days	311.9 days

*New Castle County only.

Source: New Castle County, Kent County and Sussex County Prothonotarys' Offices, Administrative Office of the Courts.

Superior Court — Total





1980-1988 pending amended from 1988 Annual Report.

Trend lines computed by linear regression analysis.

Source: Administrative Office of the Courts.

FISCAL YEAR 1989 ARBITRATION
EXPLANATORY NOTES

1. Arbitration is compulsory for civil cases in which:
   a) Trial is available, and
   b) Monetary damages are sought, and
   c) Non-monetary damages are substantial, and
   d) Damages do not exceed $50,000 (increased from $30,000 on 1/1/88).
2. The President Judge of Superior Court or his designee assigns each arbitration case to an arbitrator who is appointed pursuant to the following guidelines:
   a) The parties may request a specific arbitrator by joint agreement, or
   b) If the parties fail to mutally agree upon an arbitrator of their choice, the Court provides a list of three (3) alternative arbitrators for review by the parties. The plaintiff(s) and the defendant(s) may each strike one alternative arbitrator, and the Court appoints the arbitrator from the remaining alternative arbitrators.
3. The arbitrator's decision is to be in the form of a written order. The order is to become a judgement of the Court unless a trial de novo is requested. Any party may request a trial de novo before Superior Court within 20 days following the arbotrator's order.
4. The Arbitration Unit of the Superior Court prepares an annual report which reviews in greater detail the operation of the Superior Court arbitration program.

FISCAL YEAR 1989 ARBITRATION – CASELOAD SUMMARY

	Pending 6/30/88	Filings**	Dispositions	Pending 6/30/89	Change In Pending	% Change
New Castle	1,328*	2,197	1,920	1,605	+ 277	+ 20.9%
Kent	159	300	222	237	+ 78	+ 49.1%
Sussex	198	364	315	247	+ 49	+ 24.7%
State	1,685*	2,861	2,457	2,089	+ 404	+ 24.0%

COMPARISON – FISCAL YEARS 1988-1989 ARBITRATION – CASELOAD

FILINGS**

	1988	1989	Change	% Change
New Castle	1,973 *	2,197	+ 224	+ 11.4%
Kent	260	300	+ 40	+ 15.4%
Sussex	326	364	+ 38	+ 11.7%
State	2,559 *	2,861	+ 302	+ 11.8%

*Amended from 1988 Annual Report

**Includes new arbitration cases, cases stipulated into arbitration, cases reactivated, and cases omitted previously

Source: Arbitration Unit, Superior Court, Administrative Office of the Courts

Superior Court

COMPARISON – FISCAL YEARS 1988-1989 ARBITRATION – CASELOAD (cont'd)

DISPOSITIONS***

	1988	1989	Change	% Change
New Castle	1,577*	1,920	+ 343	+ 21.8%
Kent	207	222	+ 15	+ 7.2%
Sussex	271	315	+ 44	+ 16.2%
State	2,055*	2,457	+ 402	+ 19.6%

FISCAL YEAR 1989 ARBITRATION – CASELOAD

FILINGS

Cases Eligible for Arbitration*

	Arbitration** Cases Filed		Non-Arbitration Cases Filed		Total Filed	
New Castle	2,102	65.3%	1,116	34.7%	3,218	100.0%
Kent	294	64.2%	164	35.8%	458	100.0%
Sussex	361	65.9%	187	34.1%	548	100.0%
State	2,757	65.3%	1,467	34.7%	4,224	100.0%

All Civil Cases

	Arbitration** Cases Filed		Non-Arbitration Cases Filed		Total Filed	
New Castle	2,102	50.9%	2,028	49.1%	4,130	100.0%
Kent	294	52.9%	262	47.1%	556	100.0%
Sussex	361	56.8%	275	43.2%	636	100.0%
State	2,757	51.8%	2,565	48.2%	5,322	100.0%

FISCAL YEARS 1988-1989 ARBITRATION – CASELOAD

PENDING AT END OF YEAR

	Awaiting Responsive Pleading		Assigned to An Arbitrator		Total Pending	
New Castle	1,368	85.2%	237	14.8%	1,605	100.0%
Kent	199	84.0%	38	16.0%	237	100.0%
Sussex	215	87.0%	32	13.0%	247	100.0%
State	1,782	85.3%	307	14.7%	2,089	100.0%

*Includes complaints and mechanic's liens and mortgages

**Includes only new filings

***Includes cases removed before hearing, final dispositions at hearing, and de novo appeals

Source: Arbitration Unit, Superior Court, Administrative Office of the Courts

Superior Court

FISCAL YEAR 1989 ARBITRATION – TYPES OF FILINGS*

Number of Filings

	Complaints		Mechanic's Liens and Mortgages		Total	
New Castle	1,781	84.7%	321	15.3%	2,102	100.0%
Kent	241	82.0%	53	18.0%	294	100.0%
Sussex	237	65.7%	124	34.3%	361	100.0%
State	2,259	81.9%	498	18.1%	2,757	100.0%

FISCAL YEAR 1989 ARBITRATION – TYPES OF FILINGS*

COMPLAINTS

Number of Filings

	Personal Injury (Auto)		Personal Injury (Non-Auto)		Debt/Breach of Contract		Arbitration Board Appeals		Other		Total	
New Castle	821	46.1%	183	10.3%	662	37.2%	84	4.7%	31	1.7%	1,781	100.0%
Kent	91	37.8%	29	12.0%	97	40.2%	20	8.3%	4	1.7%	241	100.0%
Sussex	58	24.5%	22	9.3%	131	55.3%	20	8.4%	6	2.5%	237	100.0%
State	970	42.9%	234	10.4%	890	39.4%	124	5.5%	41	1.8%	2,259	100.0%

FISCAL YEAR 1989 ARBITRATION – TYPES OF FILINGS*

MECHANIC'S LIENS AND MORTGAGES

Number of Filings

	Mechanic's Liens		Mortgages		Total	
New Castle	88	27.4%	233	72.6%	321	100.0%
Kent	13	24.5%	40	75.5%	53	100.0%
Sussex	43	34.7%	81	65.3%	124	100.0%
State	144	28.9%	354	71.1%	498	100.0%

*Includes only new filings.

Source: Arbitration Unit, Superior Court, Administrative Office of the Courts.

Superior Court

FISCAL YEAR 1989 ARBITRATION – METHOD OF DISPOSITION

Number of Dispositions

	Removed Before Hearing*		Final Disposition Arbitrator's Order**		De Novo Appeal***		Total	
New Castle	1,214	63.2%	320	16.7%	386	20.1%	1,920	100.0%
Kent	135	60.8%	46	20.7%	41	18.5%	222	100.0%
Sussex	210	66.7%	34	10.8%	71	22.5%	315	100.0%
State	1,559	63.5%	400	16.3%	498	20.3%	2,457	100.0%

FISCAL YEAR 1989 ARBITRATION – METHOD OF DISPOSITION

REMOVED BEFORE HEARING*

Number of Dispositions

	Default Judgment		Dismissal		Settled		Other		Total	
New Castle	305	25.1%	577	47.5%	244	20.1%	88	7.2%	1,214	100.0%
Kent	43	31.9%	63	46.7%	15	11.1%	14	10.4%	135	100.0%
Sussex	94	44.8%	84	40.0%	1	0.5%	31	14.8%	210	100.0%
State	442	28.4%	724	46.4%	260	16.7%	133	8.5%	1,559	100.0%

FISCAL YEAR 1989 ARBITRATION – METHOD OF DISPOSITION

ARBITRATOR'S ORDERS

Number of Dispositions

	Final Disposition**		De Novo Appeal***		Total	
New Castle	320	45.3%	386	54.7%	706	100.0%
Kent	46	52.9%	41	47.1%	87	100.0%
Sussex	34	32.4%	71	67.6%	105	100.0%
State	400	44.5%	498	55.5%	898	100.0%

*Includes dispositions before hearing and removals (certificate of value, stay orders, etc.)

**Cases in which the arbitrator's decision is not appealed de novo

***Cases in which the arbitrator's decision is appealed de novo

Source: Arbitration Unit, Superior Court, Administrative Office of the Courts

Superior Court

FISCAL YEAR 1989 ARBITRATION – TYPES OF DISPOSITIONS

NEW CASTLE COUNTY

	FINAL DISPOSITION*				DE NOVO APPLICATIONS							HEARINGS
					Order for Plain.			Order for Def.			All	
	Judg. for Plain.	Judg. for Def.	Dismiss	TOTAL	App. by Plain.	App. by Def.	Total	App. by Plain.	App. by Def.	Total	TOTAL	TOTAL
Personal Injury (auto)	164	11	0	175	57	78	135	14	3	17	152	327
Personal Injury (non-auto)	27	12	0	39	13	19	32	27	2	29	61	100
Debt/Breach of Contract	47	14	0	61	18	63	81	43	2	45	126	187
Lower Court and Board Appeals	16	8	0	24	0	9	9	4	0	4	13	37
Other Complaints	6	5	0	11	2	8	10	7	0	7	17	28
Mechanic's Lien	3	1	0	4	1	7	8	2	0	2	10	14
Mortgage	6	0	0	6	1	5	6	1	0	1	7	13
TOTAL	269	51	0	320	92	189	281	98	7	105	386	706

FISCAL YEAR 1989 ARBITRATION – TYPES OF DISPOSITIONS

KENT COUNTY

	FINAL DISPOSITION*				DE NOVO APPLICATIONS							HEARINGS
					Order for Plain.			Order for Def.			All	
	Judg. for Plain.	Judg. for Def.	Dismiss	TOTAL	App. by Plain.	App. by Def.	Total	App. by Plain.	App. by Def.	Total	TOTAL	TOTAL
Personal Injury (auto)	19	1	0	20	6	6	12	2	0	2	14	34
Personal Injury (non-auto)	5	4	0	9	4	3	7	3	0	3	10	19
Debt/Breach of Contract	6	3	0	9	1	7	8	3	0	3	11	20
Lower Court and Board Appeals	1	2	0	3	2	0	2	0	0	0	2	5
Other Complaints	0	2	0	2	0	1	1	2	0	2	3	5
Mechanic's Lien	1	0	0	1	1	0	1	0	0	0	1	2
Mortgage	2	0	0	2	0	0	0	0	0	0	0	2
TOTAL	34	12	0	46	14	17	31	10	0	10	41	87

*Arbitrator's order is not followed by de novo application. In such cases, the arbitrator's order becomes a judgement.

Judg. = Judgement
Plain. = Plaintiff
Def. = Defendant
App. = Application

Source: Arbitration Unit, Superior Court, Administrative Office of the Courts

FISCAL YEAR 1989 ARBITRATION – TYPES OF DISPOSITIONS

SUSSEX COUNTY

	FINAL DISPOSITION*				DE NOVO APPLICATIONS							HEARINGS
					Order for Plain.			Order for Def.			All	
	Judg. for Plain.	Judg. for Def.	Dismiss	TOTAL	App. by Plain.	App. by Def.	Total	App. by Plain.	App. by Def.	Total	TOTAL	TOTAL
Personal Injury (auto)	12	1	0	13	5	7	12	4	0	4	16	29
Personal Injury (non-auto)	1	0	0	1	1	3	4	7	0	7	11	12
Debt/Breach of Contract	8	3	0	11	2	17	19	10	0	10	29	40
Lower Court and Board Appeals	2	0	0	2	0	4	4	1	0	1	5	7
Other Complaints	0	2	0	2	0	0	0	2	0	2	2	4
Mechanic's Lien	3	1	0	4	0	5	5	0	0	0	5	9
Mortgage	0	1	0	1	1	1	2	1	0	1	3	4
TOTAL	26	8	0	34	9	37	46	25	0	25	71	105

FISCAL YEAR 1989 ARBITRATION – TYPES OF DISPOSITIONS

STATE

	FINAL DISPOSITION*				DE NOVO APPLICATIONS							HEARINGS
					Order for Plain.			Order for Def.			All	
	Judg. for Plain.	Judg. for Def.	Dismiss	TOTAL	App. by Plain.	App. by Def.	Total	App. by Plain.	App. by Def.	Total	TOTAL	TOTAL
Personal Injury (auto)	195	13	0	208	68	91	159	20	3	23	182	390
Personal Injury (non-auto)	33	16	0	49	18	25	43	37	2	39	82	131
Debt/Breach of Contract	61	20	0	81	21	87	108	56	2	58	166	247
Lower Court and Board Appeals	19	10	0	29	2	13	15	5	0	5	20	49
Other Complaints	6	9	0	15	2	9	11	11	0	11	22	37
Mechanic's Lien	7	2	0	9	2	12	14	2	0	2	16	25
Mortgage	8	1	0	9	2	6	8	2	0	2	10	19
TOTAL	329	71	0	400	115	243	358	133	7	140	498	898

*Arbitrator's order is not followed by de novo application. In such cases, the arbitrator's order becomes a judgement.

Judg. = Judgement
Plain. = Plaintiff
Def. = Defendant
App. = Application

Source: Arbitration Unit, Superior Court, Administrative Office of the Courts.

FISCAL YEAR 1989 ARBITRATION – PERFORMANCE SUMMARY

	Average Time From Date of Filing to Date of Appointment	Average Time From Date of Appointment To Date of Hearing	Average Time From Date of Filing To Date of Hearing
New Castle	135.5 days	69.8 days	205.3 days
Kent	147.0 days	58.0 days	205.0 days
Sussex	126.0 days	82.0 days	208.0 days
State	135.5 days	70.1 days	205.6 days

	Average Time From Filing to Final Disposition*	Average Time From Filing to De Novo Appeal	Average Time From Filing to Final Disposition or De Novo Appeal**
New Castle	207.9 days	203.2 days	205.3 days
Kent	203.0 days	250.0 days	225.1 days
Sussex	198.0 days	240.0 days	226.4 days
State	206.5 days	212.3 days	209.7 days

FISCAL YEAR 1989 ARBITRATION – PERFORMANCE SUMMARY

COMPLIANCE WITH 40-DAY RULE***

	Number of Hearings Held Within 40 Days After Appointment of Arbitrator		Number of Hearings Held More Than 40 Days After Appointment of Arbitrator		Total Number of Hearings Held	
New Castle	215	30.5%	491	69.5%	706	100.0%
Kent	40	46.0%	47	54.0%	87	100.0%
Sussex	36	34.3%	69	65.7%	105	100.0%
State	291	32.4%	607	67.6%	898	100.0%

*Disposed of at arbitration hearing and not followed by de novo appeal.

**All cases for which an arbitration hearing was held.

***Superior Court Civil Rule 16(c)(6)(A) states that the arbitration hearing is to be held within 40 days of the appointment. Arbitrators are authorized to grant an extension of time for a hearing to a date certain.

Source: Arbitration Unit, Superior Court, Administrative Office of the Courts.

Law Library, Kent County Courthouse.

COMPARISON – FISCAL YEARS 1988-1989 ARBITRATION – PERFORMANCE SUMMARY

ELAPSED TIME – FILING TO HEARING

Average Time From Date of Filing To Date of Appointment

	1988	1989	Change	% Change
New Castle	153.6 days	135.5 days	– 18.1 days	– 11.8%
Kent	108.5 days	147.0 days	+ 38.5 days	+ 35.5%
Sussex	117.3 days	126.0 days	+ 8.7 days	+ 7.4%
State	145.0 days	135.5 days	– 9.5 days	– 6.6%

Average Time From Date of Appointment To Date of Hearing

	1988	1989	Change	% Change
New Castle	64.0 days	69.8 days	+ 5.8 days	+ 9.1%
Kent	53.9 days	58.0 days	+ 4.1 days	+ 7.6%
Sussex	53.7 days	82.0 days	+ 28.3 days	+ 53.7%
State	61.9 days	70.1 days	+ 8.2 days	+ 13.2%

Average Time From Date of Filing To Date of Hearing

	1988	1989	Change	% Change
New Castle	217.6 days	205.3 days	– 12.3 days	– 5.7%
Kent	162.4 days	205.0 days	+ 42.6 days	+ 26.2%
Sussex	171.0 days	208.0 days	+ 37.0 days	+ 21.6%
State	206.9 days	205.6 days	– 1.3 days	– 0.6%

COMPARISON – FISCAL YEARS 1988-1989 ARBITRATION – PERFORMANCE SUMMARY

ELAPSED TIME – FILING TO DISPOSITION/APPEAL

Average Time From Filing to Final Disposition*

	1988	1989	Change	% Change
New Castle	229.7 days	207.9 days	– 21.8 days	– 10.5%
Kent	166.7 days	203.0 days	+ 36.3 days	+ 21.8%
Sussex	186.0 days	198.0 days	+ 12.0 days	+ 6.5%
State	218.3 days	206.5 days	– 11.8 days	– 5.4%

Average Time From Filing to De Novo Appeal

	1988	1989	Change	% Change
New Castle	236.3 days	203.2 days	– 33.1 days	– 14.0%
Kent	185.9 days	250.0 days	+ 64.1 days	+ 34.5%
Sussex	190.6 days	240.0 days	+ 49.4 days	+ 25.9%
State	226.3 days	212.3 days	– 14.0 days	– 6.2%

Average Time From Filing to Final Disposition Or De Novo Appeal**

	1988	1989	Change	% Change
New Castle	233.6 days	205.3 days	– 28.3 days	– 12.1%
Kent	177.7 days	225.1 days	+ 47.4 days	+ 26.7%
Sussex	188.7 days	226.4 days	+ 37.7 days	+ 20.0%
State	223.0 days	209.7 days	– 13.3 days	– 6.0%

*Disposed of at arbitration hearing and not followed by de novo appeal

**All cases for which an arbitration hearing was held

Source: Arbitration Unit, Superior Court, Administrative Office of the Courts

COMPARISON – FISCAL YEARS 1988-1989 ARBITRATION – PERFORMANCE SUMMARY

HEARINGS HELD

Number of Hearings Held Within 40 Days After Appointment of Arbitrator

	1988	1989	Change	% Change
New Castle	202	215	+ 13	+ 6.4%
Kent	41	40	– 1	– 2.4%
Sussex	41	36	– 5	– 12.2%
State	284	291	+ 7	+ 2.5%

Number of Hearings Held More Than 40 Days After Appointment of Arbitrator

	1988	1989	Change	% Change
New Castle	351	491	+ 140	+ 39.9%
Kent	29	47	+ 18	+ 62.1%
Sussex	37	69	+ 32	+ 86.5%
State	417	607	+ 190	+ 45.6%

Total Number of Hearings Held

	1988	1989	Change	% Change
New Castle	553	706	+ 153	+ 27.7%
Kent	70	87	+ 17	+ 24.3%
Sussex	78	105	+ 27	+ 34.6%
State	701	898	+ 197	+ 28.1%

Source: Arbitration Unit, Superior Court, Administrative Office of the Courts

Sussex County
Courthouse stairway
The Circle,
Georgetown, Delaware

Family Court

Chief Judge Robert D. Thompson
Associate Judge Roger D. Kelsey
Associate Judge Robert W. Wakefield
Associate Judge David P. Buckson
Associate Judge James J. Horgan
Associate Judge Jay Paul James
Associate Judge Karl J. Parrish
Associate Judge John T. Gallagher
Associate Judge Jay H. Conner
Associate Judge Charles K. Keil
Associate Judge Peggy L. Ableman
Associate Judge Battle R. Robinson
Associate Judge Kenneth M. Millman

Family Court

FAMILY COURT

Seated (Left to Right)
Associate Judge Battle R. Robinson
Associate Judge Robert W. Wakefield
Chief Judge Robert D. Thompson
Associate Judge Roger D. Kelsey
Associate Judge Peggy L. Ableman

Standing (Left to Right)
Associate Judge Kenneth M. Millman
Associate Judge Karl J. Parrish
Associate Judge David P. Buckson
Associate Judge James J. Horgan
Associate Judge Charles K. Keil
Associate Judge John T. Gallagher
Associate Judge Jay H. Conner
Associate Judge Jay Paul James

Family Court

Legal Authorization

The Family Court Act, Title 10, Chapter 9, *Delaware Code*, authorizes the Family Court.

Court History

The Family Court of the State of Delaware has its origin in the Juvenile Court for the City of Wilmington which was founded in 1911. A little over a decade later, in 1923, the jurisdiction of the Juvenile Court for the City of Wilmington was extended to include New Castle County. In 1933, the Juvenile Court for Kent and Sussex Counties was created.

From the early 1930's there was a campaign to establish a Family Court in the northernmost county, and this ideal was achieved in 1945 when the Legislature created the Family Court for New Castle County, Delaware. In 1951, legislation was enacted to give the Juvenile Court for Kent and Sussex Counties jurisdiction over all family matters, and in early 1962 the name of the Juvenile Court for Kent and Sussex Counties was changed to the Family Court for Kent and Sussex Counties.

As early as the 1950's the concept of a statewide Family Court had been endorsed. The fruition of this concept was realized with the statutory authorization of the Family Court of the State of Delaware in 1971.

Geographic Organization

The Family Court is a unified statewide Court with branches in New Castle County at Wilmington, Kent County at Dover, and Sussex County at Georgetown.

Legal Jurisdiction

The Family Court has had conferred upon it by the General Assembly jurisdiction over juvenile delinquency, child neglect, dependency, child abuse, adult misdemeanor crimes against juveniles, child and spouse support, paternity of children, custody and visitation of children, adoptions, terminations of parental rights, divorces and annulments, property divisions, specific enforcement of separation agreements, guardianship over minors, imperiling the family relationship, and intra-family misdemeanor crimes.

The Family Court does not have jurisdiction over adults charged with felonies or juveniles charged with first degree murder, rape, or kidnapping.

Cases are appealed to the Supreme Court with the exception of adult criminal cases which are appealed to the Superior Court.

Judges

Number: The Court is allowed 13 Judges of equal judicial authority, one of whom is appointed by the Governor as Chief Judge and who is the chief administrative and executive officer for the Court. A bare majority of the Judges must be of one major political party with the remainder of the other major political party.

Appointment: The Governor nominates the Judges, who must be confirmed by the Senate.

Tenure: The Judges are appointed for 12-year terms.

Qualifications: Judges must have been duly admitted to the practice of law before the Supreme Court of Delaware at least 5 years prior to appointment and must have a knowledge of the law and interest in and understanding of family and child problems. They shall not practice law during their tenure and may be reappointed.

Other Judicial Personnel

The Chief Judge appoints and commissions Masters for the Court who shall hold office at his pleasure and must have resided in the State for at least 5 years prior to their appointment. Masters may hear any matters properly assigned to them by the Chief Judge, and their findings and recommendations are reviewed by a judge for approval. Parties may request a review de novo by a Judge by petitioning the Court in writing within 15 days of the Master's findings.

Family Court

Support Personnel

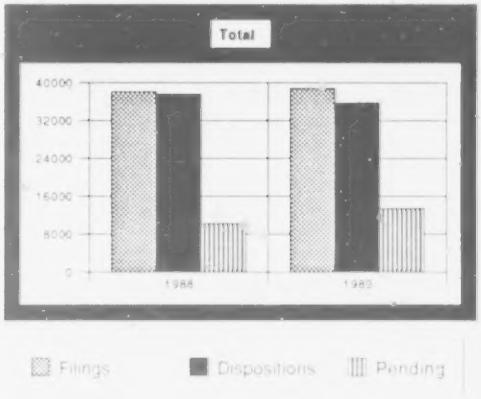
The three major administrative divisions of the Court are Court Operations, Fiscal Services and Personnel Services. Fiscal Services and Personnel Services perform staff functions, whereas Court Operations is responsible for the delivery of services to the public.

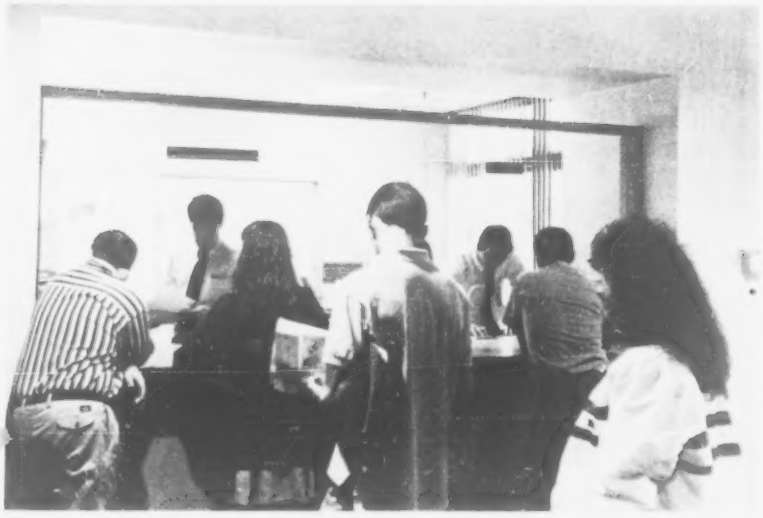
The Family Court has a staff of more than 260 persons in addition to the judiciary. The Court has a Court Administrator and a Director of Operations in each County as well as Clerks of the Court, secretaries, typists, accountants, clerks, data entry operators, judicial assistants, investigative services officers, child support officers, and volunteers working in all areas of the Court.

Caseload Trends

Total filings increased by 2.0% from 38,024 in FY 1988 to 38,862 in FY 1989. The increase was due to a rise in total filings in New Castle County as total filings for Kent and Sussex Counties combined actually decreased slightly. There was a drop in total dispositions that was due to decreases in all counties with total dispositions falling by 4.9% to 35,723 in FY 1989 from 37,552 in FY 1988.

An increase in filings combined with a decrease in dispositions often results in an increase in pending and Family Court was no exception during FY 1989. The pending at the end of the year rose by 3,139 with the pending at the end of the year increasing from 10,336 at the end of FY 1988 to 13,475 at the end of FY 1989, a jump of over 30%.





Family Court, New Castle County — Clerk of the Court/Cashier area.

Family Court

FISCAL YEAR 1989 – CASELOAD SUMMARY

Number of Filings

	Pending 6/30/88	Filed	Disposed	Pending 6/30/89	Change In Pending	% Change In Pending
New Castle	6,828	23,593	21,016	9,405	+ 2,577	+ 37.7%
Kent	1,563	7,189	6,845	1,907	+ 344	+ 22.0%
Sussex	1,945	8,080	7,962	2,163	+ 218	+ 11.2%
State	10,336	38,862	35,723	13,475	+ 3,139	+ 30.4%

COMPARISON – FISCAL YEARS 1988-1989 – CASELOAD

FILED

Number of Filings

	1988	1989	Change	% Change
New Castle	22,750	23,593	+ 843	+ 3.7%
Kent	7,276	7,189	– 87	– 1.2%
Sussex	8,068	8,080	+ 12	+ 0.1%
State	38,094	38,862	+ 768	+ 2.0%

COMPARISON – FISCAL YEARS 1988-1989 – CASELOAD

DISPOSED

Number of Filings

	1988	1989	Change	% Change
New Castle	21,849	21,016	– 833	– 3.8%
Kent	7,419	6,845	– 574	– 7.7%
Sussex	8,284	7,862	– 422	– 5.1%
State	37,552	35,723	– 1,829	– 4.9%

FISCAL YEAR 1989 TOTAL CASES WORKLOAD EXPLANATORY NOTES

1. The unit of count in the family court adult criminal, juvenile delinquency, and civil cases is the filing.
2. A criminal or delinquency filing is defined as one incident filed against one individual. Each incident is counted separately, so that three incidents brought before the court on a single individual are counted as three criminal or delinquency filings.
   a. A single criminal or delinquency filing may be comprised of a single or multiple charges relating to a single incident.
   b. A criminal filing received by the Court in the form of an information or a complaint, and a delinquency filing is received by the Court in the form of a petition or a complaint.
3. A civil filing is defined as a single civil incident filed with Family Court. A civil incident is initiated by a petition. In the instance of a divorce, although the petition may contain multiple matters ancillary to the divorce, each petition is counted as one filing.

Source: Statistician, Family Court, Administrative Office of the Courts

Family Court

FISCAL YEAR 1989 ADULT CRIMINAL CASES – CASELOAD SUMMARY

Number of Filings

	Pending 6/30/88	Filed	Disposed	Pending 6/30/89	Change In Pending	% Change In Pending
New Castle	603	3,430	2,801	1,232	+ 629	+ 104.3%
Kent	124	459	436	147	+ 23	+ 18.5%
Sussex	163	579	577	165	+ 2	+ 1.2%
State	890	4,468	3,814	1,544	+ 654	+ 73.5%

COMPARISON – FISCAL YEARS 1988-1989 ADULT CRIMINAL CASES – CASELOAD

FILED

Number of Filings

	1988	1989	Change	% Change
New Castle	3,141	3,430	+ 289	+ 9.2%
Kent	433	459	+ 26	+ 6.0%
Sussex	524	579	+ 55	+ 10.5%
State	4,098	4,468	+ 370	+ 9.0%

COMPARISON – FISCAL YEARS 1988-1989 ADULT CRIMINAL CASES – CASELOAD

DISPOSED

Number of Filings

	1988	1989	Change	% Change
New Castle	3,153	2,801	– 352	– 11.2%
Kent	444	436	– 8	– 1.8%
Sussex	515	577	+ 62	+ 12.0%
State	4,112	3,814	– 298	– 7.2%

Source: Statistician, Family Court, Administrative Office of the Courts

Family Court

FISCAL YEAR 1989 JUVENILE DELINQUENCY CASES – CASELOAD SUMMARY

Number of Filings

	Pending 6/30/88	Filed	Disposed	Pending 6/30/89	Change In Pending	% Change In Pending
New Castle	1,692	5,156	4,306	2,542	+ 850	+ 50.2%
Kent	317	1,533	1,447	403	+ 86	+ 27.1%
Sussex	429	1,482	1,378	533	+ 104	+ 24.2%
State	2,438	8,171	7,131	3,478	+ 1,040	+ 42.7%

COMPARISON – FISCAL YEARS 1988-1989 JUVENILE DELINQUENCY CASES – CASELOAD

FILED

Number of Filings

	1988	1989	Change	% Change
New Castle	4,779	5,156	+ 377	+ 7.9%
Kent	1,506	1,533	+ 27	+ 1.8%
Sussex	1,764	1,482	– 282	– 16.0%
State	8,049	8,171	+ 122	+ 1.5%

COMPARISON – FISCAL YEARS 1988-1989 JUVENILE DELINQUENCY CASES – CASELOAD

DISPOSED

Number of Filings

	1988	1989	Change	% Change
New Castle	4,424	4,306	– 118	– 2.7%
Kent	1,397	1,447	+ 50	+ 3.6%
Sussex	1,854	1,378	– 476	– 25.7%
State	7,675	7,131	– 544	– 7.1%

Source: Statistician, Family Court, Administrative Office of the Courts

Family Court

FISCAL YEAR 1989 JUVENILE DELINQUENCY CASES – CASELOAD BREAKDOWNS

FILED

Number of Filings

	Felony		Misdemeanor		Traffic		TOTALS	
New Castle	1,257	24.4%	3,660	71.0%	239	4.6%	5,156	100.0%
Kent	237	15.5%	1,169	76.3%	127	8.3%	1,533	100.0%
Sussex	251	16.9%	1,124	75.9%	107	7.2%	1,482	100.0%
State	1,745	21.4%	5,953	72.9%	473	5.8%	8,171	100.0%

FISCAL YEAR 1989 JUVENILE DELINQUENCY CASES – CASELOAD BREAKDOWNS

DISPOSED

Number of Filings

	Felony		Misdemeanor		Traffic		TOTALS	
New Castle	1,028	23.9%	3,017	70.1%	261	6.1%	4,306	100.0%
Kent	218	15.1%	1,103	76.2%	126	8.7%	1,447	100.0%
Sussex	231	16.8%	1,055	76.6%	92	6.7%	1,378	100.0%
State	1,477	20.7%	5,175	72.6%	479	6.7%	7,131	100.0%

FISCAL YEAR 1989 JUVENILE DELINQUENCY CASES – CASELOAD BREAKDOWNS

PENDING AT END OF YEAR

Number of Filings

	Felony		Misdemeanor		Traffic		TOTALS	
New Castle	932	36.7%	1,509	59.4%	101	4.0%	2,542	100.0%
Kent	62	15.4%	296	73.4%	45	11.2%	403	100.0%
Sussex	142	26.7%	360	67.5%	31	5.8%	533	100.0%
State	1,136	32.7%	2,165	62.2%	177	5.1%	3,478	100.0%

FISCAL YEAR 1989 JUVENILE DELINQUENCY CASES – CASELOAD BREAKDOWNS

CHANGE IN PENDING

Number of Filings

	Felony	Misdemeanor	Traffic	TOTALS
New Castle	+ 229	+ 643	– 22	+ 850
Kent	+ 19	+ 66	+ 1	+ 86
Sussex	+ 20	+ 69	+ 15	+ 104
State	+ 268	+ 778	– 6	+ 1,040

Source: Statistician, Family Court, Administrative Office of the Courts

Family Court

FISCAL YEAR 1989 CIVIL CASES – CASELOAD SUMMARY

Number of Filings

	Pending 6/30/88	Filed	Disposed	Pending 6/30/88	Change In Pending	% Change In Pending
New Castle	4,533	15,007	13,909	5,631	+ 1,098	+ 24.2%
Kent	1,122	5,197	4,962	1,357	+ 235	+ 20.9%
Sussex	1,353	6,019	5,907	1,465	+ 112	+ 8.3%
State	7,008	26,223	24,778	8,453	+ 1,445	+ 20.6%

COMPARISON – FISCAL YEARS 1988-1989 CIVIL CASES – CASELOAD

FILED

Number of Filings

	1988	1989	Change	% Change
New Castle	14,830	15,007	+ 177	+ 1.2%
Kent	5,337	5,197	– 140	– 2.6%
Sussex	5,780	6,019	+ 239	+ 4.1%
State	25,947	26,223	+ 276	+ 1.1%

COMPARISON – FISCAL YEARS 1988-1989 CIVIL CASES – CASELOAD

DISPOSED

Number of Filings

	1988	1989	Change	% Change
New Castle	14,272	13,909	– 363	– 2.5%
Kent	5,578	4,962	– 616	– 11.0%
Sussex	5,915	5,907	– 8	– 0.1%
State	25,765	24,778	– 987	– 3.8%

Source: Statistician, Family Court, Administrative Office of the Courts

Family Court

FISCAL YEAR 1989 CIVIL CASES – CASELOAD BREAKDOWNS

FILED

	Divorces and Annulments		RTSC/ Other Civil Contempts		New Non-Support		Support Arrearages		Support Modifications		Custody	
New Castle	2,063	13.8%	930	6.2%	3,427	22.8%	2,717	18.1%	2,136	14.2%	1,430	9.5%
Kent	706	13.6%	233	4.5%	1,123	21.6%	893	17.2%	623	12.0%	683	13.1%
Sussex	727	12.1%	102	1.7%	1,600	26.6%	1,163	19.4%	808	13.4%	797	13.2%
State	3,496	13.3%	1,265	4.8%	6,150	23.5%	4,778	18.2%	3,567	13.6%	2,910	11.1%

	Visitation		Imperiling Family Relations		Adoptions		Terminations of Parental Rights		Miscellaneous		TOTALS	
New Castle	522	3.5%	345	2.3%	126	0.8%	89	0.6%	1,222	8.2%	15,007	100.0%
Kent	186	3.6%	39	0.8%	54	0.9%	19	0.4%	638	12.3%	5,197	100.0%
Sussex	187	3.1%	59	1.0%	37	0.6%	7	0.3%	517	8.6%	6,019	100.0%
State	895	3.4%	443	1.7%	217	0.8%	125	0.5%	2,377	9.1%	26,223	100.0%

FISCAL YEAR 1989 CIVIL CASES – CASELOAD BREAKDOWNS

DISPOSED

	Divorces and Annulments		RTSC/ Other Civil Contempts		New Non-Support		Support Arrearages		Support Modifications		Custody	
New Castle	1,902	13.7%	973	7.0%	3,471	25.0%	2,342	16.8%	1,648	11.8%	1,356	9.7%
Kent	719	14.5%	218	4.4%	957	19.3%	842	17.0%	619	12.5%	701	14.1%
Sussex	816	13.8%	75	1.3%	1,570	26.6%	1,157	19.6%	742	12.6%	718	12.2%
State	3,437	13.9%	1,266	5.1%	5,998	24.2%	4,341	17.5%	3,009	12.1%	2,775	11.2%

	Visitation		Imperiling Family Relations		Adoptions		Terminations of Parental Rights		Miscellaneous		TOTALS	
New Castle	434	3.1%	357	2.6%	107	0.8%	96	0.7%	1,223	8.8%	13,909	100.0%
Kent	180	3.6%	37	0.7%	50	1.0%	20	0.4%	619	12.5%	4,962	100.0%
Sussex	184	3.1%	55	0.9%	44	0.7%	30	0.5%	516	8.7%	5,907	100.0%
State	798	3.2%	449	1.8%	201	0.8%	146	0.6%	2,358	9.6%	24,778	100.0%

RTSC = Rule to Show Cause
Source: Statistician, Family Court, Administrative Office of the Courts

Family Court

FISCAL YEAR 1989 CIVIL CASES – CASELOAD BREAKDOWNS (cont'd.)

PENDING AT END OF YEAR

	Divorces and Annulments		RTSC/ Other Civil Contempts		New Non-Support		Support Arrearages		Support Modifications		Custody	
New Castle	1,390	24.7%	143	2.5%	1,295	23.0%	1,036	18.4%	883	15.7%	384	6.8%
Kent	253	18.6%	60	4.4%	407	30.0%	250	18.4%	108	8.0%	138	10.2%
Sussex	288	19.7%	84	5.7%	403	27.5%	222	15.2%	146	10.0%	182	12.4%
State	1,931	22.8%	287	3.4%	2,105	24.9%	1,508	17.8%	1,137	13.5%	704	8.3%

	Visitation		Imperiling Family Relations		Adoptions		Terminations of Parental Rights		Miscellaneous		TOTALS	
New Castle	179	3.2%	60	1.1%	54	1.0%	58	1.0%	149	2.6%	5,631	100.0%
Kent	51	3.8%	5	0.4%	16	1.2%	10	0.7%	59	4.3%	1,357	100.0%
Sussex	42	2.9%	8	0.5%	19	1.3%	14	1.0%	57	3.9%	1,465	100.0%
State	272	23.2%	73	0.9%	89	1.1%	82	1.0%	265	3.1%	8,453	100.0%

FISCAL YEAR 1989 CIVIL CASES – CASELOAD BREAKDOWNS

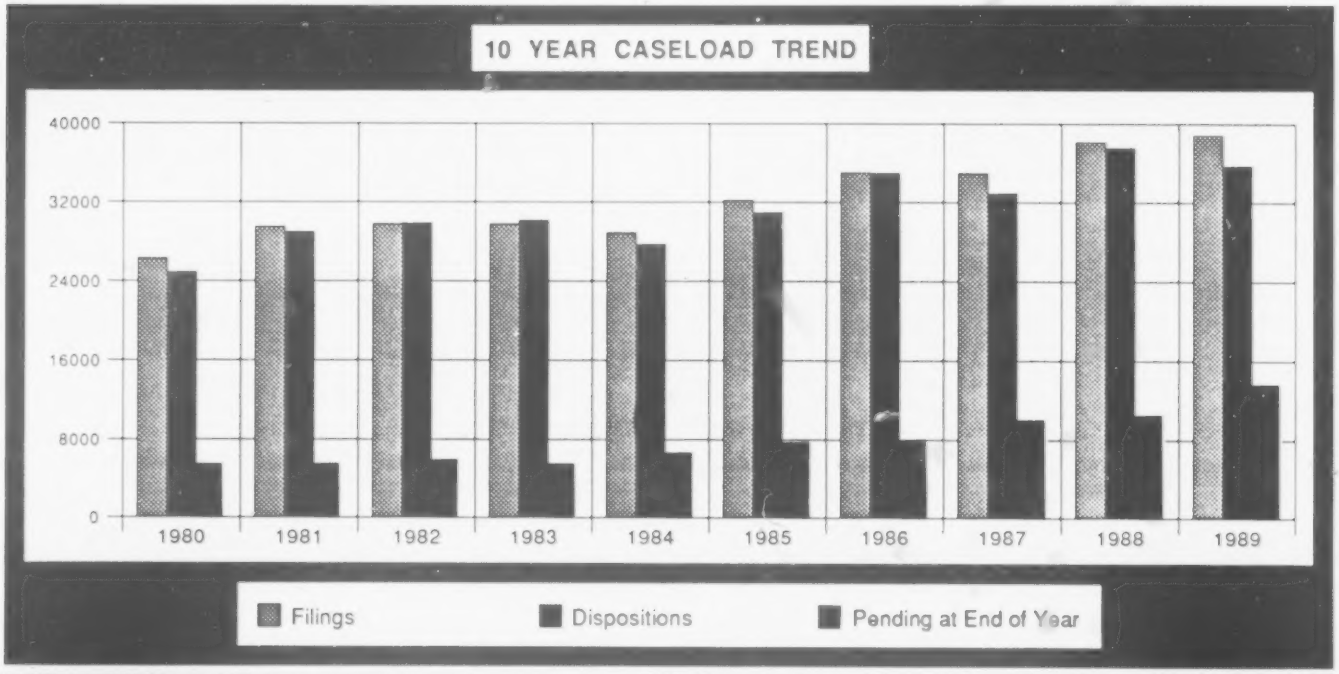
CHANGE IN PENDING

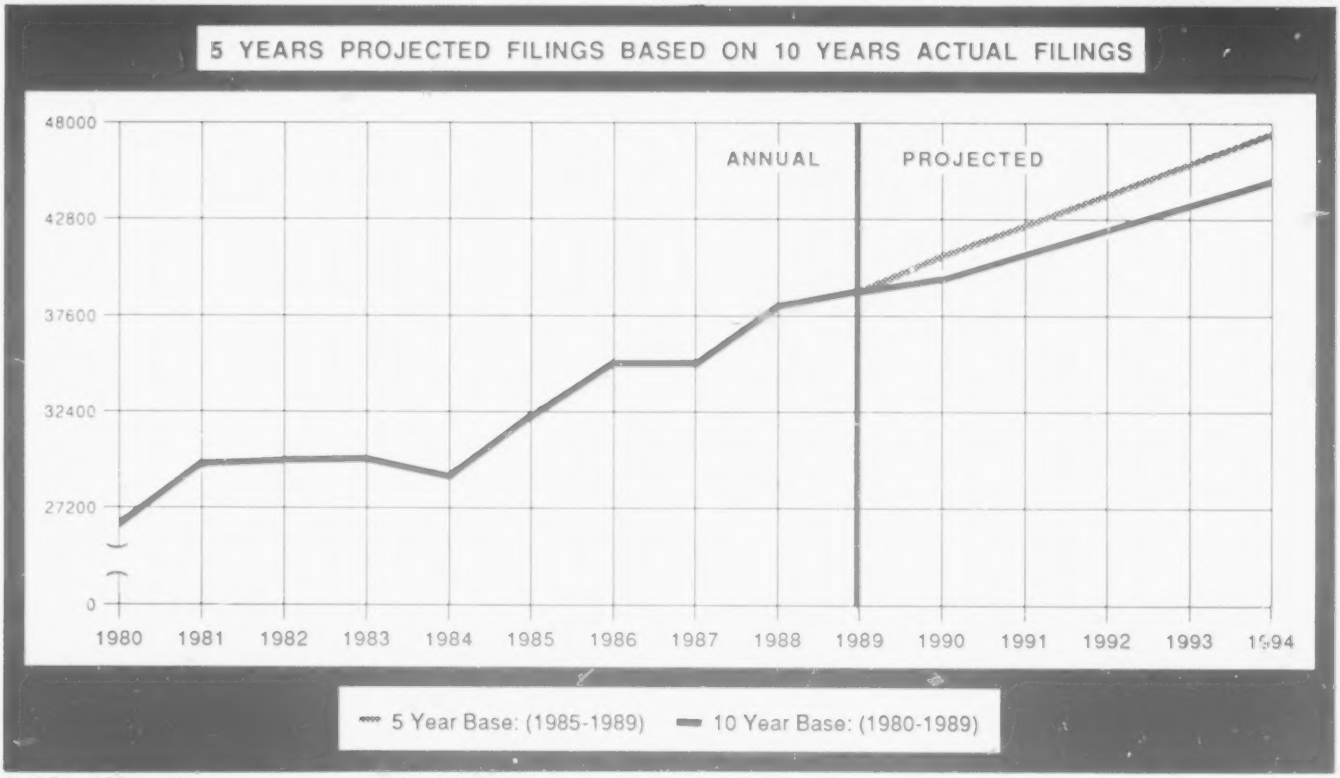
	Divorces and Annulments	RTSC/ Other Civil Contempts	New Non-Support	Support Arrearages	Support Modifications	Custody
New Castle	+ 161	– 43	– 44	+ 375	+ 488	+ 74
Kent	– 13	+ 15	+ 166	+ 51	+ 4	– 18
Sussex	– 89	+ 27	+ 30	+ 11	+ 66	+ 79
State	+ 59	– 1	+ 152	+ 437	+ 558	+ 135

	Visitation	Imperiling Family Relations	Adoptions	Terminations of Parental Rights	Miscellaneous	TOTALS
New Castle	+ 88	– 12	+ 19	– 7	– 1	+ 1,098
Kent	+ 6	+ 2	+ 4	– 1	+ 19	+ 235
Sussex	+ 3	+ 4	– 7	– 13	+ 1	+ 112
State	+ 97	– 6	+ 26	– 21	+ 19	+ 1,445

RTSC – Rule to Show Cause
Source: Statistician, Family Court, Administrative Office of the Courts

Family Court — Total





1) 1980-1988 pending amended from 1988 Annual Report.
2) Adoptions and terminations were added to Family Court's jurisdiction in early FY 1981. Adoptions and terminations filed in Superior Court are added in the total filings when calculating the trend lines in order to reflect a constant jurisdiction.
3) All ancillary matters have been removed.
4) Trend lines computed by linear regression analysis.
Source: Administrative Office of the Courts.

Family Court

FISCAL YEAR 1989 ARBITRATION EXPLANATORY NOTES

1. Arbitration is an informal proceeding in which a specially trained arbitration officer attempts to resolve juvenile delinquency cases involving minor changes and adult criminal cases involving selected misdemeanors.
2. Family Court decides according to established criteria if a case should be prosecuted at a formal hearing or if it should be referred to the Arbitration Unit.
3. An Arbitration Officer determines if the case should be dismissed, sent to a formal hearing, or kept open. A case is kept open if a defendant is required to fulfill conditions set by the officer and agreed to by the defendant.
4. The complainant, victim, defendant, or parent has ten (10) days to request a review of the disposition. The review is done by a Deputy Attorney General, who either upholds the disposition or decides that the matter should go to a formal hearing.

FISCAL YEAR 1989 ARBITRATION ACTIVITY – CASELOAD SUMMARY

	Pending 6/30/88	Filed	Disposed	Pending 6/30/89	Change In Pending	% Change In Pending	Placed On Conditions
New Castle	524	1,930	1,915	539	+ 15	+ 2.9%	1,407
Kent	71	589	605	55	– 16	– 22.5%	482
Sussex	188	512	657	43	– 145	– 77.1%	421
State	783	3,031	3,177	637	– 146	– 18.6%	2,310

COMPARISON – FISCAL YEARS 1988-1989 ARBITRATION ACTIVITY –CASELOAD

FILED

	1988	1989	Change	% Change
New Castle	2,093	1,930	– 163	– 7.8%
Kent	671	589	– 82	– 12.2%
Sussex	443	512	+ 69	+ 15.6%
State	3,207	3,031	– 176	– 5.5%

Source: Statistician, Family Court, Administrative Office of the Courts

New Family Court Building — Georgetown, Delaware.

Family Court

COMPARISON – FISCAL YEARS 1988-1989 ARBITRATION ACTIVITY – CASELOAD (cont'd.)

DISPOSED

	1988	1989	Change	% Change
New Castle	2,098	1,915	– 183	– 8.7%
Kent	687	605	– 82	– 11.9%
Sussex	422	657	+ 235	+ 55.7%
State	3,207	3,177	– 30	– 0.9%

COMPARISON – FISCAL YEARS 1988-1989 ARBITRATION ACTIVITY – CASELOAD

PLACED ON CONDITIONS

	1988	1989	Change	% Change
New Castle	1,440	1,407	– 33	– 2.3%
Kent	582	482	– 100	– 17.2%
Sussex	297	421	+ 124	+ 41.8%
State	2,319	2,310	– 9	– 0.4%

Source: Statistician, Family Court, Administrative Office of the Courts

Family Court — New Castle County Records Department.

Court of Common Pleas

Chief Judge Robert H. Wahl
Judge Arthur F. DiSabatino
Judge Merrill C. Trader
Judge Paul E. Ellis
Judge William C. Bradley, Jr.

Court of Common Pleas

COURT OF COMMON PLEAS

Seated (Left to Right)
Judge Arthur F. DiSabatino
Chief Judge Robert H. Wahl

Standing (Left to Right)
Judge Merrill C. Trader
Judge William C. Bradley, Jr.
Judge Paul E. Ellis

Court of Common Pleas

Legal Authorization

The statewide Court of Common Pleas was created by 10 *Delaware Code*, Chapter 13, effective July 5, 1973.

Court History

Initially established under William Penn in the 17th Century, the Court of Common Pleas served as the supreme judicial authority in the State. During the latter part of the 18th Century and through most of the 19th Century, however, the Court was abolished during an era of Court reorganization.

The modern day Court of Common Pleas was established in 1917 when a Court with limited civil and criminal jurisdiction was established in New Castle County. Courts of Common Pleas were later established in Kent County in 1931 and Sussex County in 1953.

In 1973, the Court of Common Pleas became a State of Delaware Court rather than county courts.

Geographic Organization

The Court of Common Pleas sits in each of the three counties at the respective county seats.

Legal Jurisdiction

The Court of Common Pleas has statewide jurisdiction which includes concurrent jurisdiction with Superior Court in civil actions where the amount involved, exclusive of interest, does not exceed $15,000 on the complaint. There is no limitation in amount on counterclaim. All civil cases are tried without a jury.

The Court has criminal jurisdiction over all misdemeanors occurring in the State of Delaware except drug-related cases (other than possession of marijuana), and those occurring within the corporate limits of the City of Wilmington. It also is responsible for all preliminary hearings. Jury trial is available to defendants but in New Castle County jury trials are referred to Superior Court for disposition.

Judges

There are five Judges of the Court of Common Pleas, of which three are to be residents of New Castle County, one of Kent County, and one of Sussex County. They are nominated by the Governor with the confirmation of the Senate for 12-year terms. They must have been actively engaged in the general practice of law in the State of Delaware for at least five years and must be citizens of the State. A majority of not more than one Judge may be from the same political party. The Judge who has seniority in service is to serve as Chief Judge.

Support Personnel

Personnel are appointed by the Chief Judge of the Court of Common Pleas, including a Court Administrator and one Clerk of the Court for each county. Other employees as are necessary are also added, including bailiffs, court reporters, secretaries, clerks, presentence officers, etc.

Court of Common Pleas,
Kent County Clerk's Office.

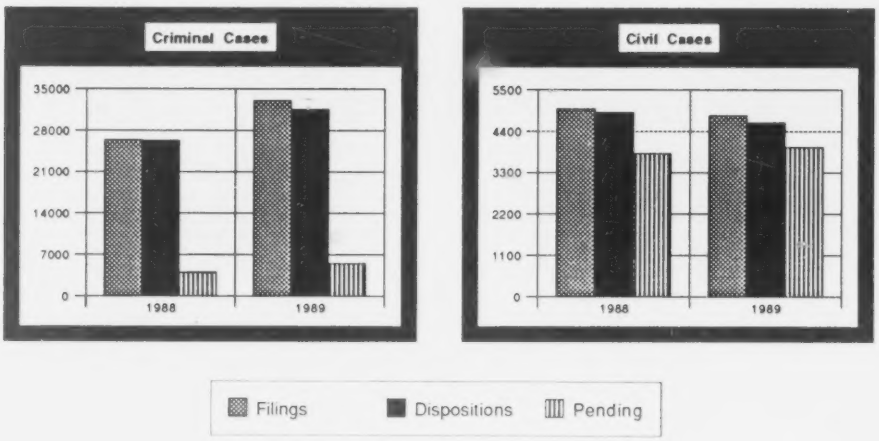
Court of Common Pleas

Caseload Trends

FY 1989 was marked by substantial increases in criminal activity and moderate decreases in civil activity. On the criminal end, there was a 25.2% increase in filings from 26,393 during FY 1988 to 33,044 in FY 1989. Criminal dispositions rose by 19.8% to 31,500 in FY 1989 from 26,301 in FY 1988. The large number of filings during FY 1989 led to a 39.0% increase in criminal pending to 5,504 at the end of FY 1989 from 3,990 at the end of FY 1988 despite the substantial amount of criminal dispositions during FY 1989.

Civil filings decreased by 3.4% from 4,988 in FY 1988 to 4,816 during FY 1989. Civil dispositions fell by 5.2% to 4,628 during FY 1989 from 4,884 in FY 1988. The greater rate of decrease in civil dispositions than in civil filings helped lead to a 5.0% rise in civil pending from 3,798 at the end of FY 1988 to 3,986 at the end of FY 1989.

Caseload Trends



Court of Common Pleas, Georgetown courtroom.

Court of Common Pleas

FISCAL YEAR 1989 CRIMINAL CASES – CASELOAD SUMMARY

	Pending 6/30/88	Filings	Dispositions	Pending 6/30/89	Change In Pending	% Change In Pending
New Castle	2,302	19,791	18,857	3,236	+ 934	+ 40.6%
Kent	629	6,358	5,741	1,246	+ 617	+ 98.1%
Sussex	1,029	6,895	6,902	1,022	– 7	– 0.7%
State	3,960	33,044	31,500	5,504	+ 1,544	+ 39.0%

COMPARISON – FISCAL YEARS 1988-1989 CRIMINAL CASES – CASELOAD

FILINGS

	1988	1989	Change	% Change
New Castle	15,440	19,791	+ 4,351	+ 28.2%
Kent	5,399	6,358	+ 959	+ 17.8%
Sussex	5,554	6,895	+ 1,341	+ 24.1%
State	26,393	33,044	+ 6,651	+ 25.2%

COMPARISON – FISCAL YEARS 1988-1989 CRIMINAL CASES – CASELOAD

DISPOSITIONS

	1988	1989	Change	% Change
New Castle	15,221	18,857	+ 3,636	+ 23.9%
Kent	5,487	5,741	+ 254	+ 4.6%
Sussex	5,593	6,902	+ 1,309	+ 23.4%
State	26,301	31,500	+ 5,199	+ 19.8%

*The unit of count for criminal cases is the charge. For example, a defendant brought before the court on 3 charges would be counted as 3 cases.

Source: Court Administrator, Court of Common Pleas, Administrative Office of the Courts.

Court of Common Pleas

FISCAL YEAR 1989 CRIMINAL CASES* – CASELOAD BREAKDOWNS

FILINGS

	Original**		Optional Transfers#		Mandatory Transfers##		Reduced to Misdemeanors@		Totals		Preliminary Hearings
New Castle	508	2.6%	18,146	91.7%	551	2.8%	586	3.0%	19,791	100.0%	4,870
Kent	245	3.9%	5,746	90.4%	329	5.2%	38	0.6%	6,358	100.0%	2,090
Sussex	78	1.1%	5,840	84.7%	814	11.8%	163	2.4%	6,895	100.0%	2,272
State	831	2.5%	29,732	90.0%	1,694	5.1%	787	2.4%	33,044	100.0%	9,232

FISCAL YEAR 1989 CRIMINAL CASES* – CASELOAD BREAKDOWNS

DISPOSITIONS

	Jury		Non-Jury		Totals	
New Castle	0	0.0%	18,857	100.0%	18,857	100.0%
Kent	77	1.3%	5,664	98.7%	5,741	100.0%
Sussex	18	0.3%	6,884	99.7%	6,902	100.0%
State	95	0.3%	31,405	99.7%	31,500	100.0%

FISCAL YEAR 1989 CRIMINAL CASES* – CASELOAD BREAKDOWNS

PENDING AT END OF YEAR

	Capiases		Other		Totals	
New Castle	2,141	66.2%	1,095	33.8%	3,236	100.0%
Kent	694	55.7%	552	44.3%	1,246	100.0%
Sussex	136	13.3%	886	86.7%	1,022	100.0%
State	2,971	54.0%	2,533	46.0%	5,504	100.0%

FISCAL YEAR 1989 CRIMINAL CASES* – CASELOAD BREAKDOWNS

CHANGE IN PENDING

	Capiases	Other	Total
New Castle	+ 419	+ 515	+ 934
Kent	+ 598	+ 19	+ 617
Sussex	+ 19	– 26	– 7
State	+ 1,036	+ 508	+ 1,544

* The unit of count in criminal cases is the charge. For example, a defendant brought before the Court on 3 charges would be counted as 3 cases.
** Charges filed initially in the Court of Common Pleas.
# Charges filed originally in Justice of the Peace Courts which were transferred to the Court of Common Pleas at the option of the defendant.
Charges originally filed in the Justice of the Peace Courts which by statute must be transferred to the Court of Common Pleas.
@ Felony charges brought before the Court of Common Pleas for preliminary hearing which are reduced to misdemeanors and pled guilty to.
Source: Court Administrator, Court of Common Pleas, Administrative Office of the Courts.

Court of Common Pleas

FISCAL YEAR 1989 PRESENTENCE OFFICE – PERFORMANCE

	No. of Defendants Sentenced After Presentence Investigation	Average Time From Date Ordered to Date Written	Average Time From Date Written to Date Typed	Average Time From Date Ordered to Date Typed	Average Time From Date Typed to Date Sentenced	Average Time From Date Ordered to Date Sentenced
New Castle	389	29.5 days	0.5 days	30.0 days	1.1 days	31.1 days
Kent	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
Sussex	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
State	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.

FISCAL YEAR 1989 PRESENTENCE OFFICE – PRODUCTIVITY

	INVESTIGATIONS		TYPING	
	Number of Investigations Written	Average Number Written Per Month	Number of Investigations Typed	Average Number Typed Per Month
New Castle	389	9.8	389	32.4
Kent	N.A.	N.A.	N.A.	N.A.
Sussex	N.A.	N.A.	N.A.	N.A.
State	N.A.	N.A.	N.A.	N.A.

FISCAL YEAR 1989 CIVIL CASES – CASELOAD SUMMARY

	Pending 6/30/88	Filings	Dispositions	Pending 6/30/89	Change In Pending	% Change In Pending
New Castle	3,235	3,608	3,449	3,394	+ 159	+ 4.9%
Kent	239	418	388	269	+ 30	+ 12.6%
Sussex	324	790	791	323	– 1	– 0.3%
State	3,798	4,816	4,628	3,986	+ 188	+ 5.0%

COMPARISON – FISCAL YEARS 1988-1989 CIVIL CASES – CASELOAD

	FILINGS			
	1988	1989	Change	% Change
New Castle	3,825	3,608	– 217	– 5.7%
Kent	396	418	+ 22	+ 5.6%
Sussex	767	790	+ 23	+ 3.0%
State	4,988	4,816	– 172	– 3.4%

N.A. = Not Applicable. This is because presentence investigations for the Court of Common Pleas in Kent County and Sussex County are done by the Superior Court Presentence Office.

Source: Court Administrator, Court of Common Pleas , Administrative Office of the Courts.

Court of Common Pleas

COMPARISON – FISCAL YEARS 1988-1989 CIVIL CASES – CASELOAD (cont'd.)

DISPOSITIONS

	1988	1989	Change	% Change
New Castle	3,765	3,449	– 316	– 8.4%
Kent	416	388	– 28	– 6.7%
Sussex	703	791	+ 88	+ 12.5%
State	4,884	4,628	– 256	– 5.2%

FISCAL YEAR 1989 CIVIL CASES* – CASELOAD BREAKDOWNS

FILINGS

	Complaints		Civil Judgements, Name Changes		Totals	
New Castle	3,239	89.8%	369	10.2%	3,608	100.0%
Kent	341	81.6%	77	18.4%	418	100.0%
Sussex	716	90.6%	74	9.4%	790	100.0%
State	4,296	89.2%	520	10.8%	4,816	100.0%

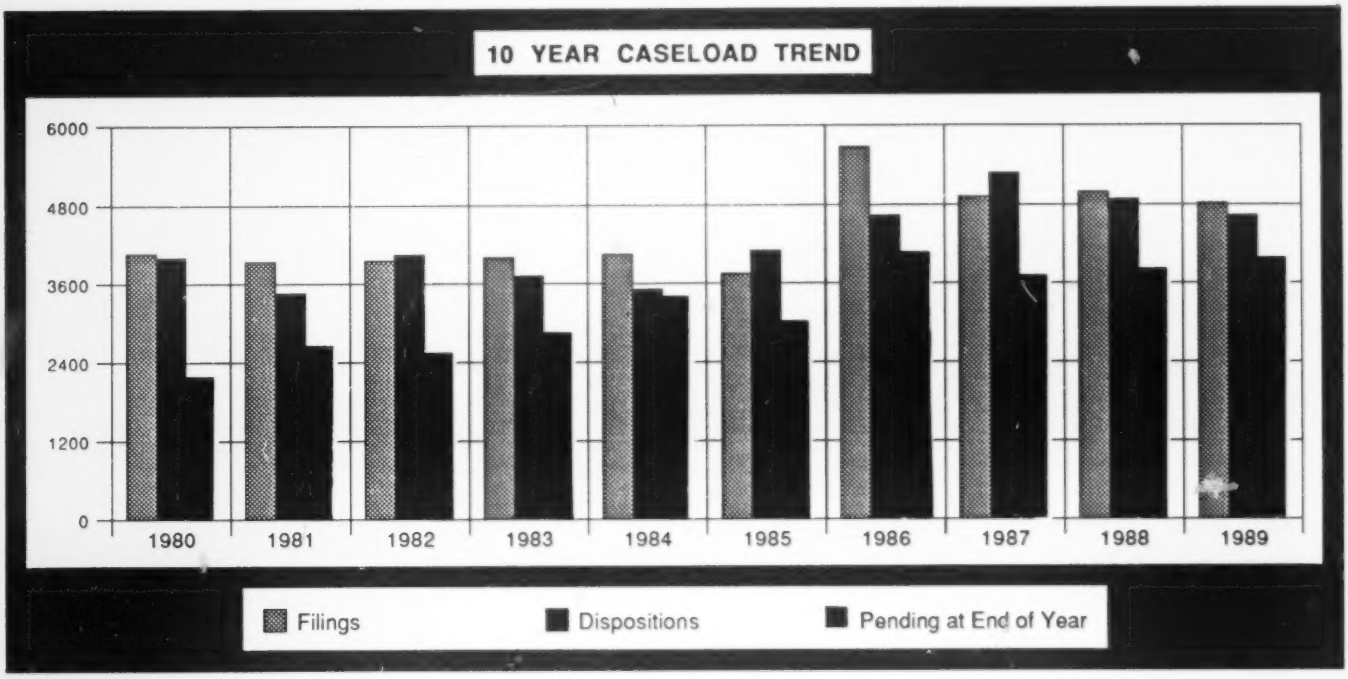
FISCAL YEAR 1989 CIVIL CASES* – CASELOAD BREAKDOWNS

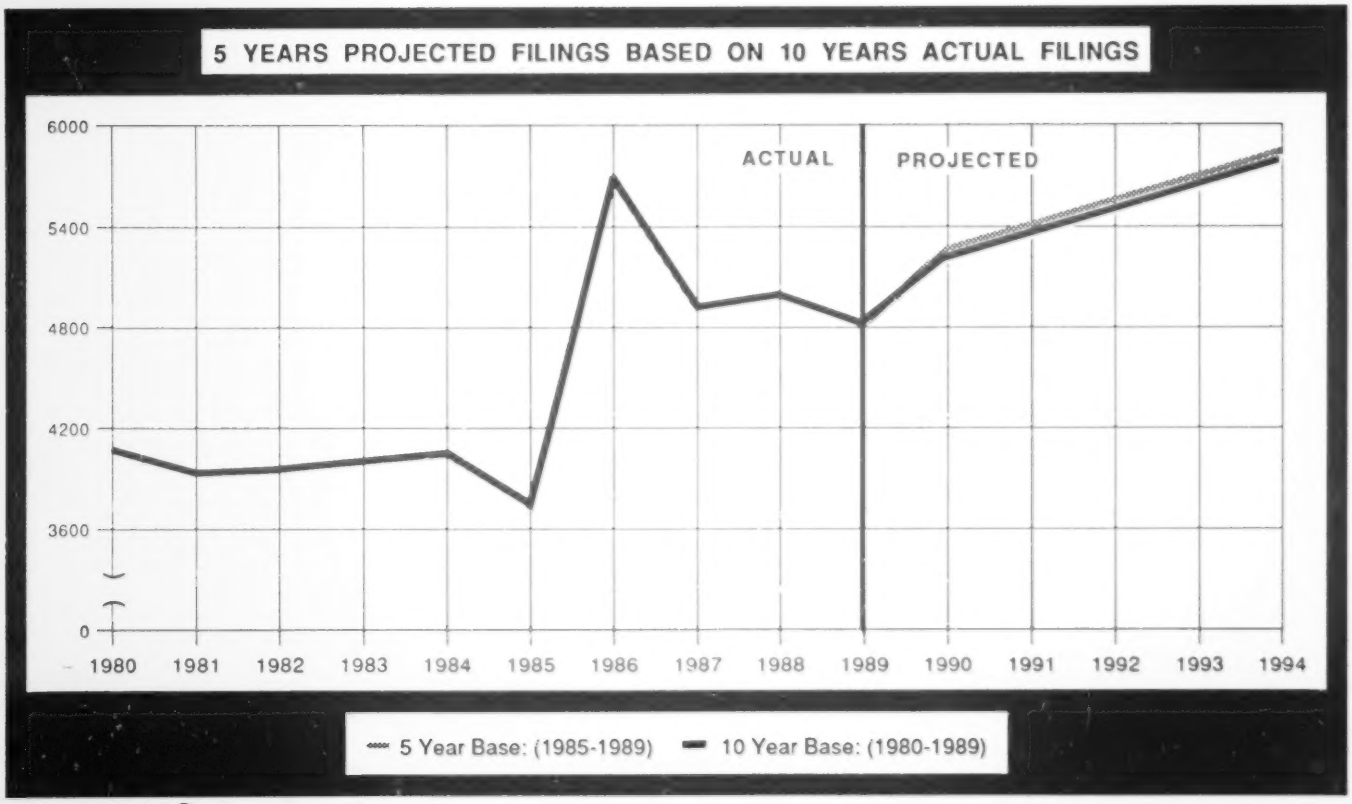
DISPOSITIONS

	By Court		By Counsel		Totals	
New Castle	1,015	29.4%	2,434	70.6%	3,449	100.0%
Kent	154	39.7%	234	60.3%	388	100.0%
Sussex	269	34.0%	522	66.0%	791	100.0%
State	1,438	31.1%	3,190	68.9%	4,628	100.0%

Source: Court Administrator, Court of Common Pleas, Administrative Office of the Courts.

Court of Common Pleas — Civil

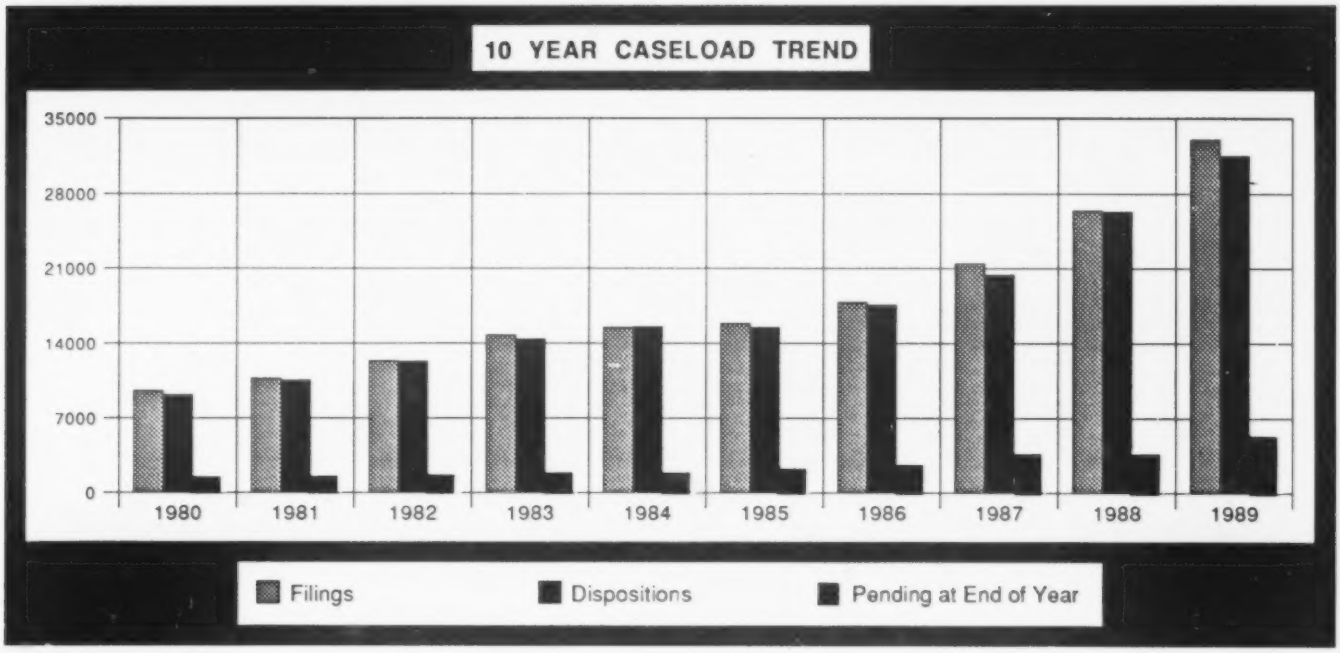


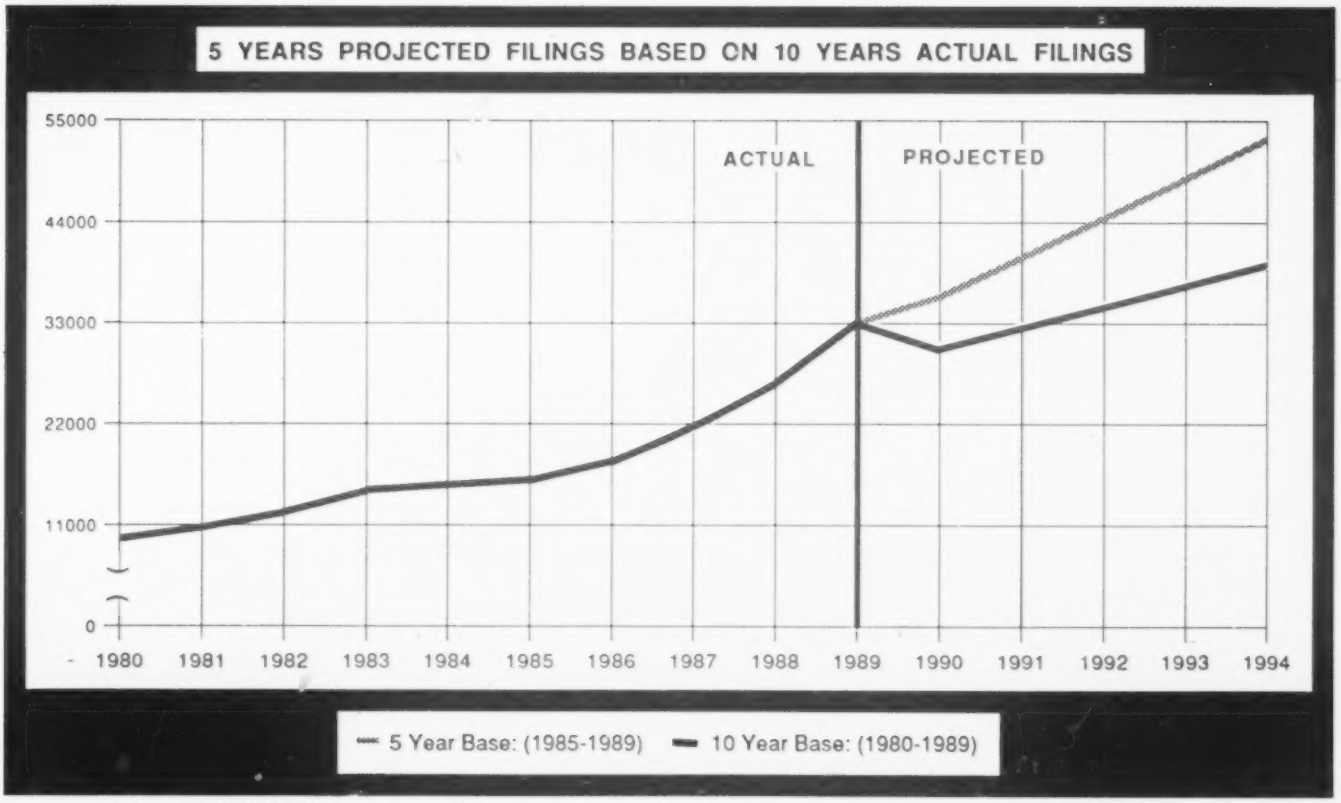


Trend lines computed by linear regression analysis.

Source: Administrative Office of the Courts.

Court of Common Pleas — Criminal



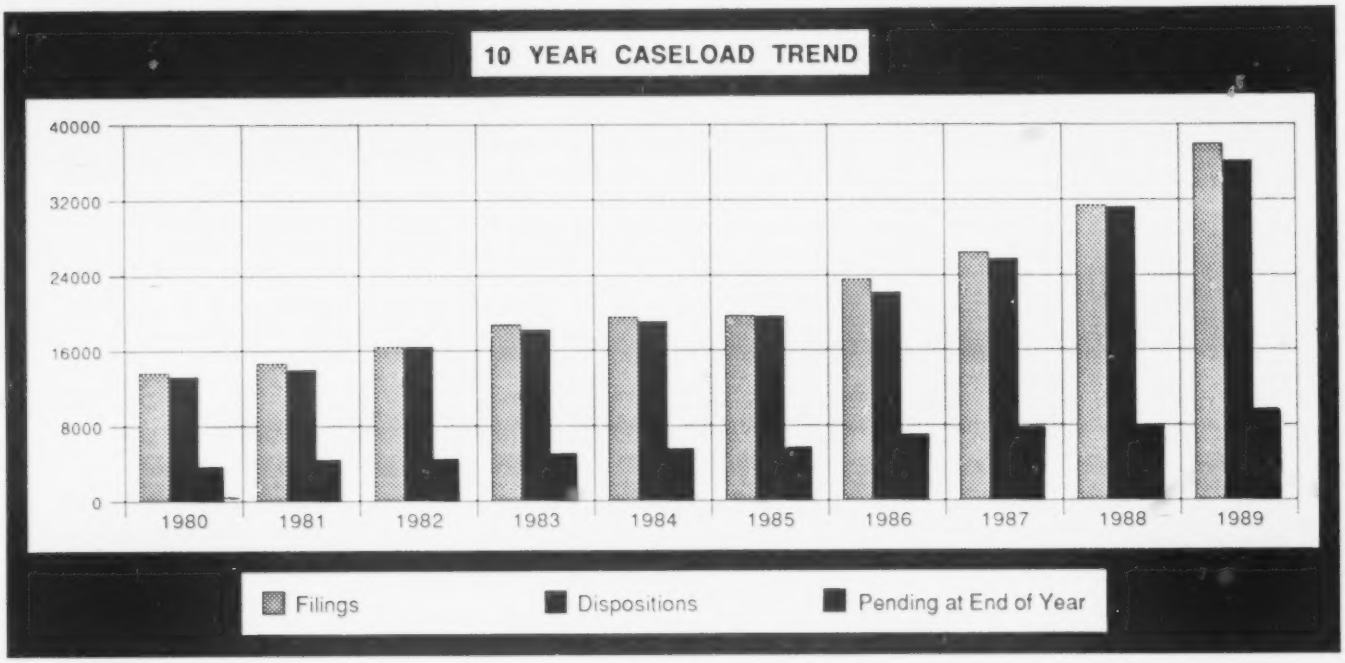


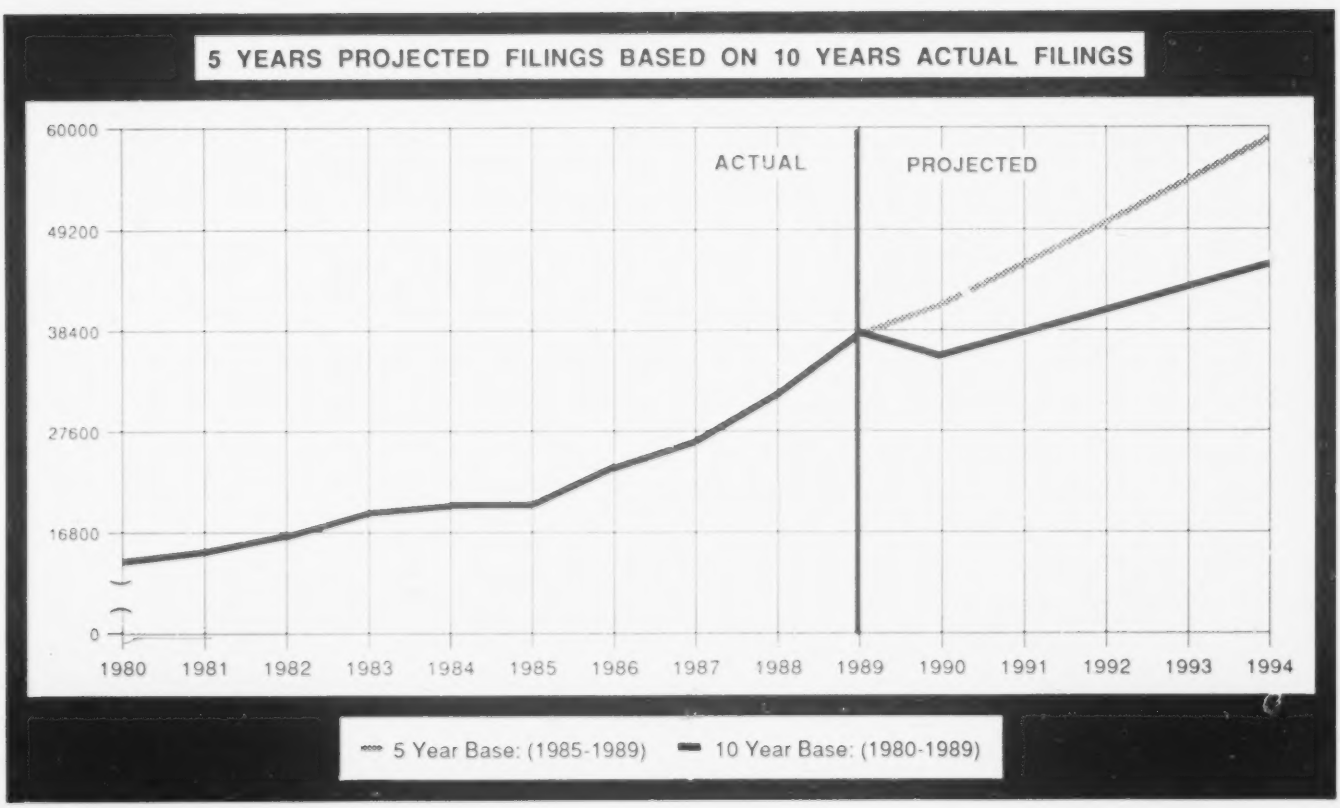
1980-1988 pending ammended from 1988 Annual Report.

Trend lines computed by linear regression analysis.

Source Administrative Office of the Courts.

Court of Common Pleas — Total





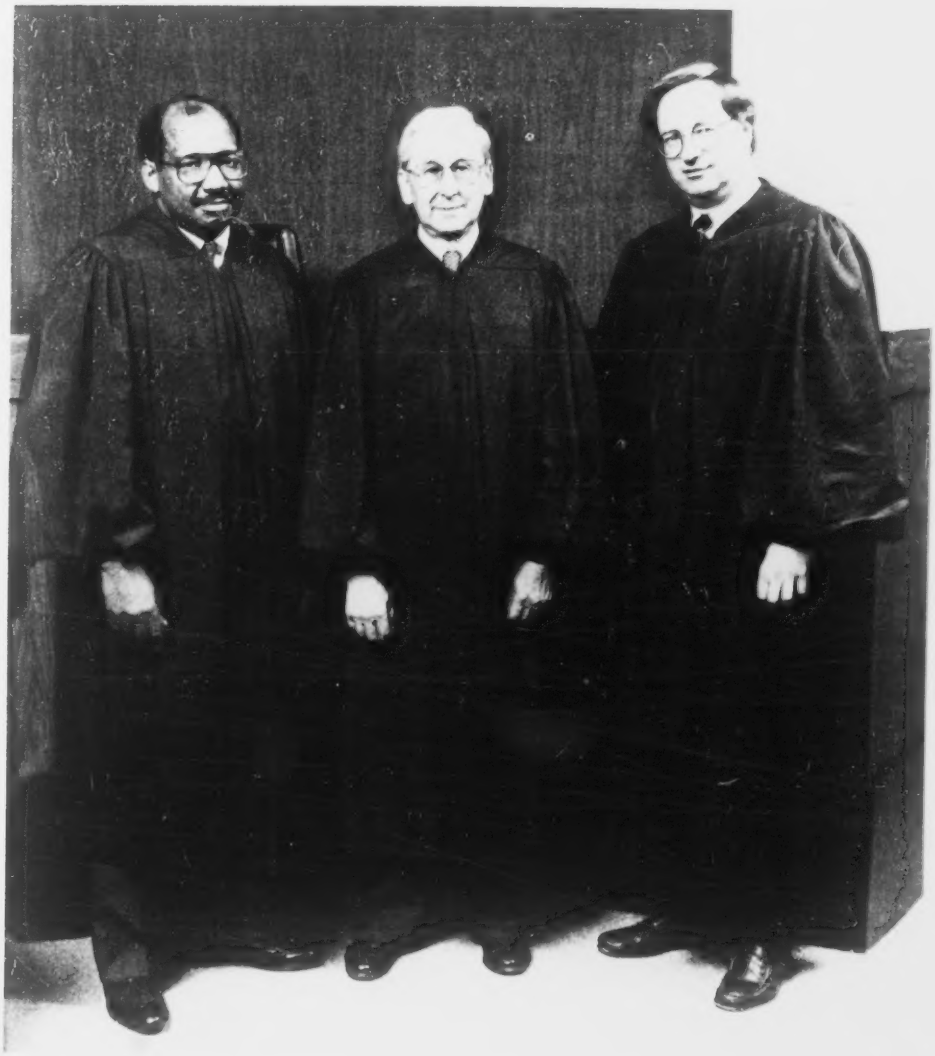
Trend lines computed by linear regression analysis.

Source: Administrative Office of the Courts.

Municipal Court

Chief Judge Alfred Fraczkowski
Associate Judge Leonard L. Williams
Associate Judge Carl Goldstein

Municipal Court



MUNICIPAL COURT
(Left to Right)
Associate Judge Leonard L. Williams
Chief Judge Alfred Fraczkowski
Associate Judge Carl G. Goldstein

Municipal Court

Legal Authorization

The Municipal Court of the City of Wilmington is authorized by 10 *Delaware Code*, Chapter 17.

Geographic Organization

The Court has jurisdiction within the geographic boundaries of Wilmington.

Legal Jurisdiction

The Municipal Court has criminal jurisdiction over traffic, misdemeanor, and municipal ordinances concurrent with the Justice of the Peace Courts and the Court of Common Pleas. The Court conducts preliminary hearings for both felonies and drug-related misdemeanors. Jury trials are not available. The Court has a Violations Division which processes all moving and parking citations.

Judges

Number: There are 3 Judges of the Municipal Court of Wilmington; at present two are full time and one is part time. Not more than 2 of the Judges may be members of the same political party.

Appointment: The Judges are nominated by the Governor, with confirmation by the Senate.

Tenure: Judges are appointed for 12-year terms.

Qualifications: The Judges must be licensed to practice law in the State of Delaware for 5 years preceding appointment.

Support Personnel

The Chief Judge of the Municipal Court appoints a Chief Clerk who may in turn appoint deputies.

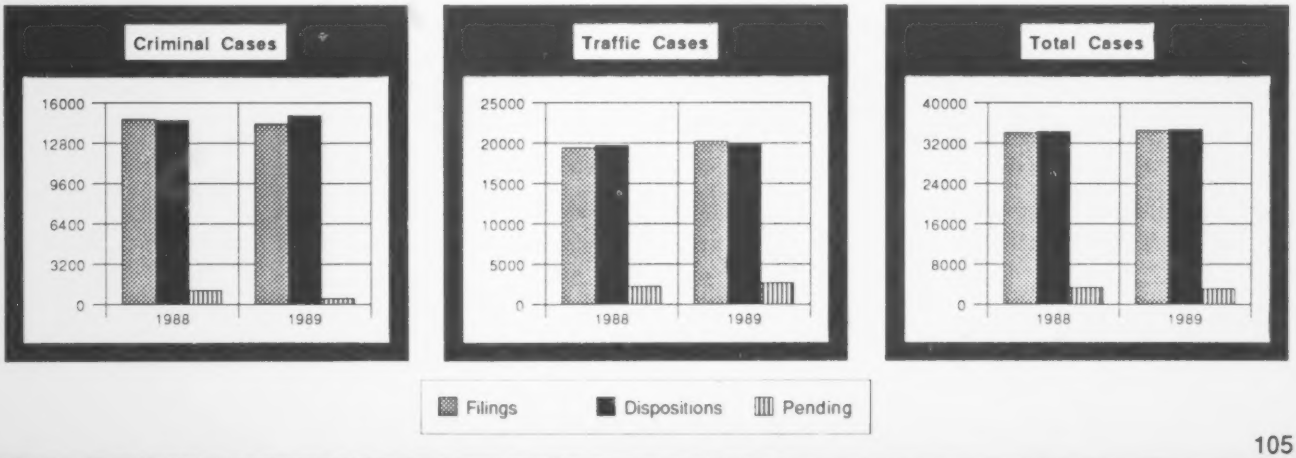
Caseload Trends

There was a 2.4% decrease in criminal filings to 14,353 in FY 1989 from 14,707 in FY 1988. Criminal dispositions rose by 2.6% from 14,596 dispositions in FY 1988 to 14,974 in FY 1989. The drop in filings along with the rise in dispositions led to a 57.5% decrease in criminal pending to 459 at the end of FY 1989, which was 621 less than the 1,080 criminal pending at the end of FY 1988.

Traffic filings were up by 4.3% to a record level of 20,253 in FY 1989 from 19,425 in FY 1988. Traffic dispositions rose only slightly from 19,726 in FY 1988 to 19,853 in FY 1989. The larger rise in filings led to an 18.0% increase in traffic pending to 2,621 at the end of FY 1989 from 2,221 at the end of FY1988.

Both total filings and total dispositions increased only moderately during FY 1989 with increases of 1.4% and 1.5%, respectively. Total filings rose from 34,132 during FY 1988 to 34,606 in FY 1989 while total dispositions increased to 34,827 in FY 1989 from 34,322 in Fy 1988. There was a 6.7% fall in total pending to 3,080 at the end of FY 1989 from 3,301 at the end of FY 1988.

Caseload Trends



Municipal Court

FISCAL YEAR 1989 – CASELOAD SUMMARY*

	Pending 6/30/88	Filings	Dispositions	Pending 6/30/89	Change In Pending	% Change In Pending
Criminal	1,080	14,353	14,974	459	– 621	– 57.5%
Traffic	2,221	20,253	19,853	2,621	+ 400	+ 18.0%
TOTALS	3,301	34,606	34,827	3,080	– 221	– 6.7%

COMPARISON – FISCAL YEARS 1988-1989 – CASELOAD

FILINGS

	1988	1989	Change	% Change
Criminal	14,707	14,353	– 354	– 2.4%
Traffic	19,425	20,253	+ 828	+ 4.3%
TOTALS	34,132	34,606	+ 474	+ 1.4%

COMPARISON – FISCAL YEARS 1988-1989 – CASELOAD

DISPOSITIONS

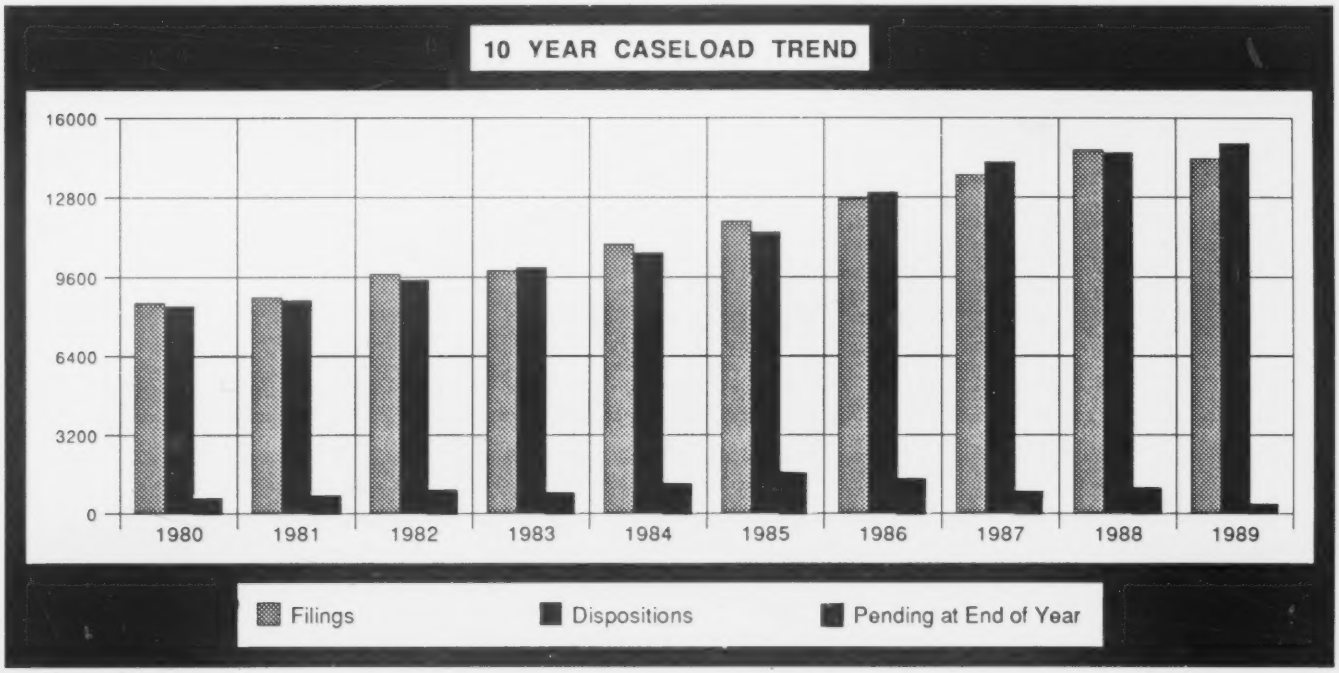
	1988	1989	Change	% Change
Criminal	14,596	14,974	+ 378	+ 2.6%
Traffic	19,726	19,853	+ 127	+ 0.6%
TOTALS	34,322	34,827	+ 505	+ 1.5%

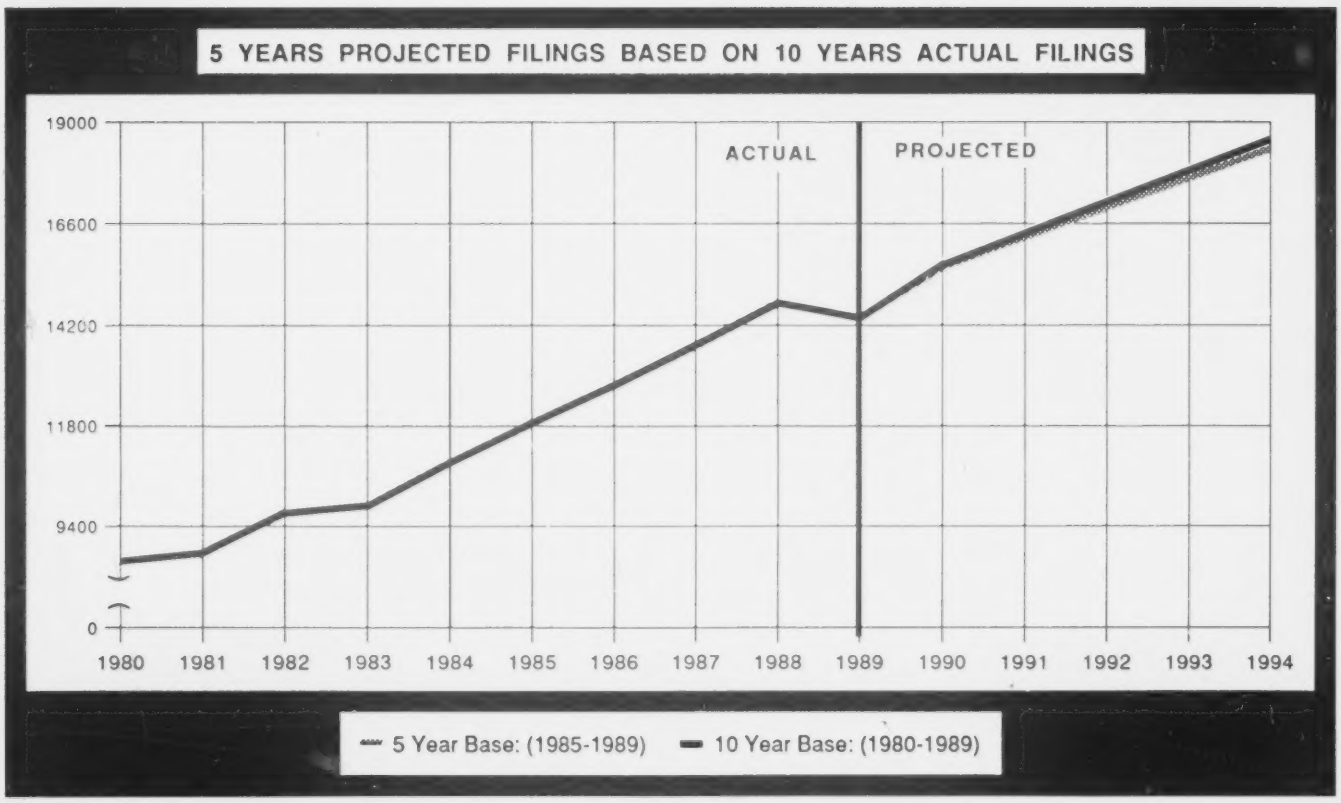
*The unit of count in Municipal Court is the charge. For example, a defendant brought before the Court on 3 charges would be counted as 3 cases.

Source: Clerk of the Court, Municipal Court, Administrative Office of the Courts.

Courthouse — Wilmington, Delaware

Municipal Court — Criminal

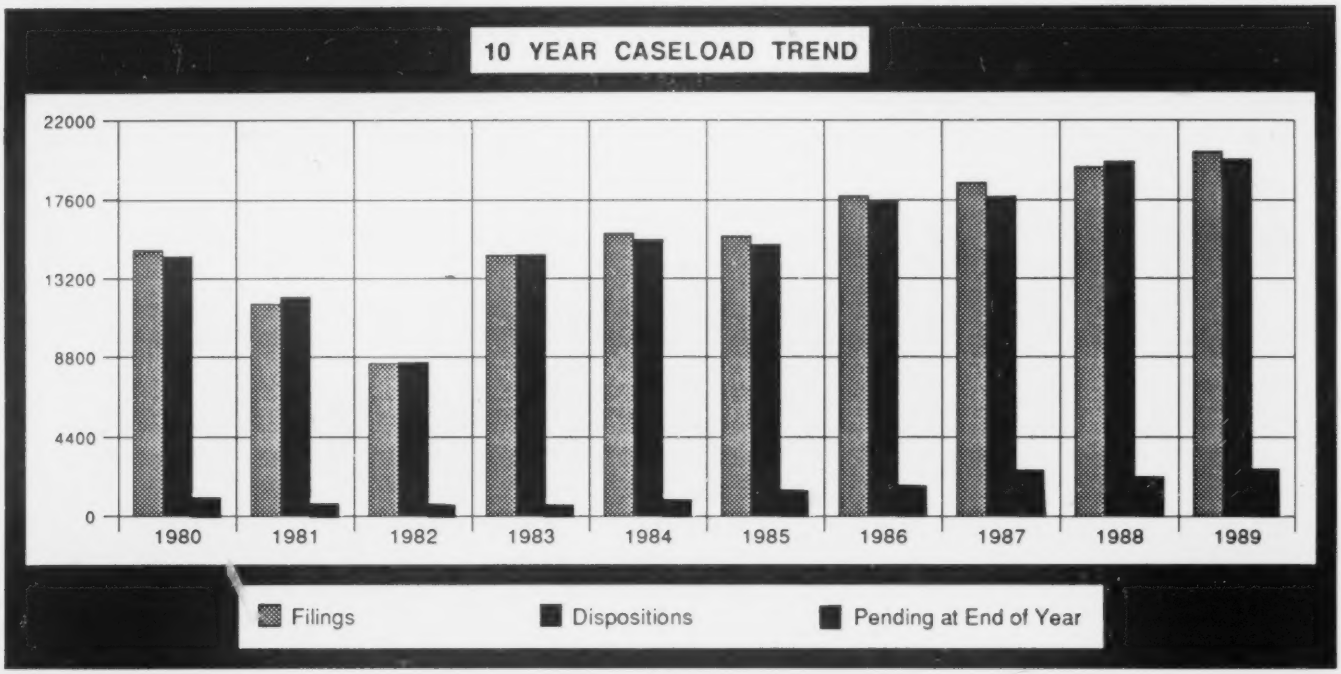


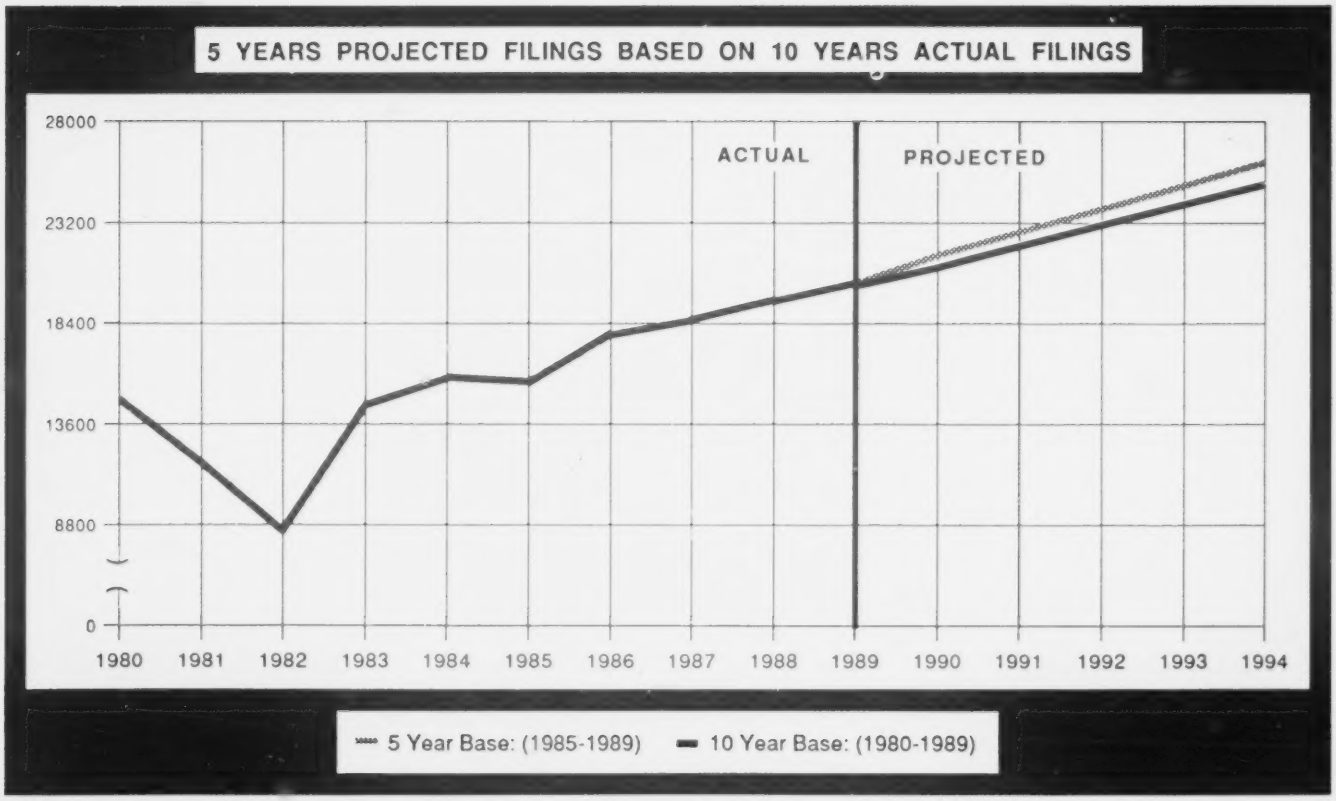


Trend lines computed by linear regression analysis.

Source: Administrative Office of the Courts.

Municipal Court — Traffic

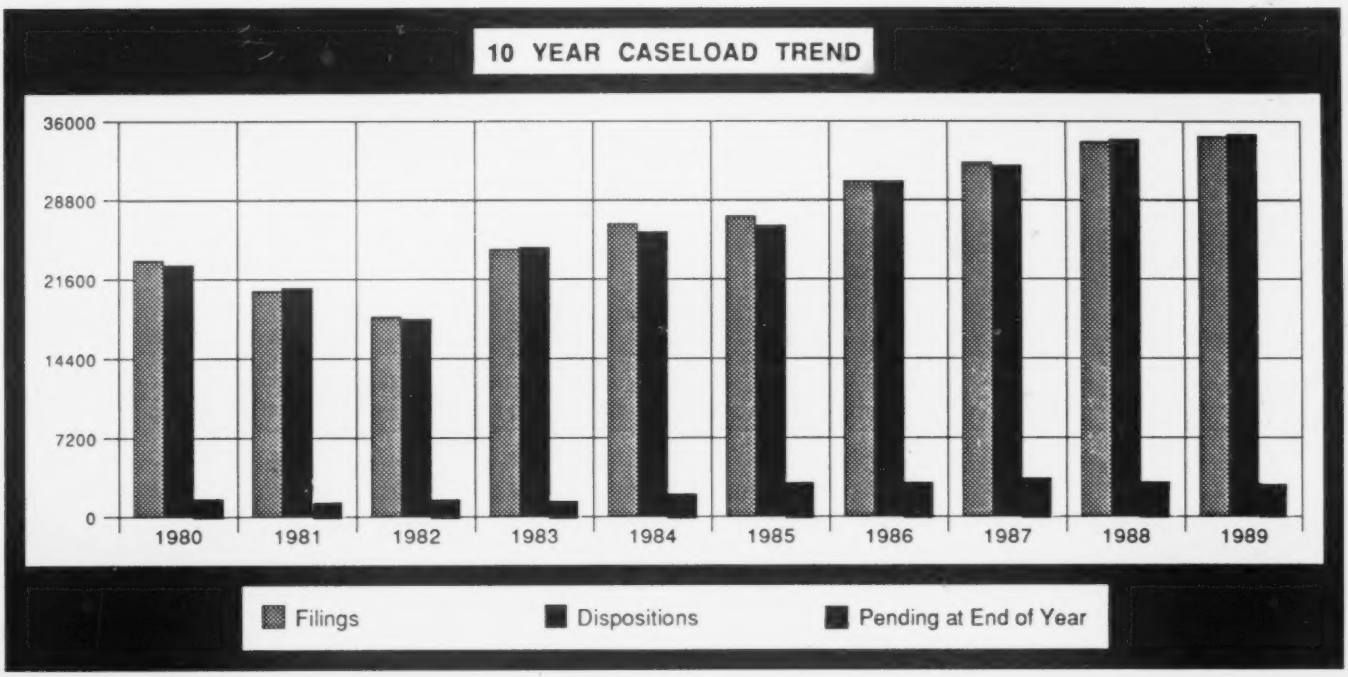


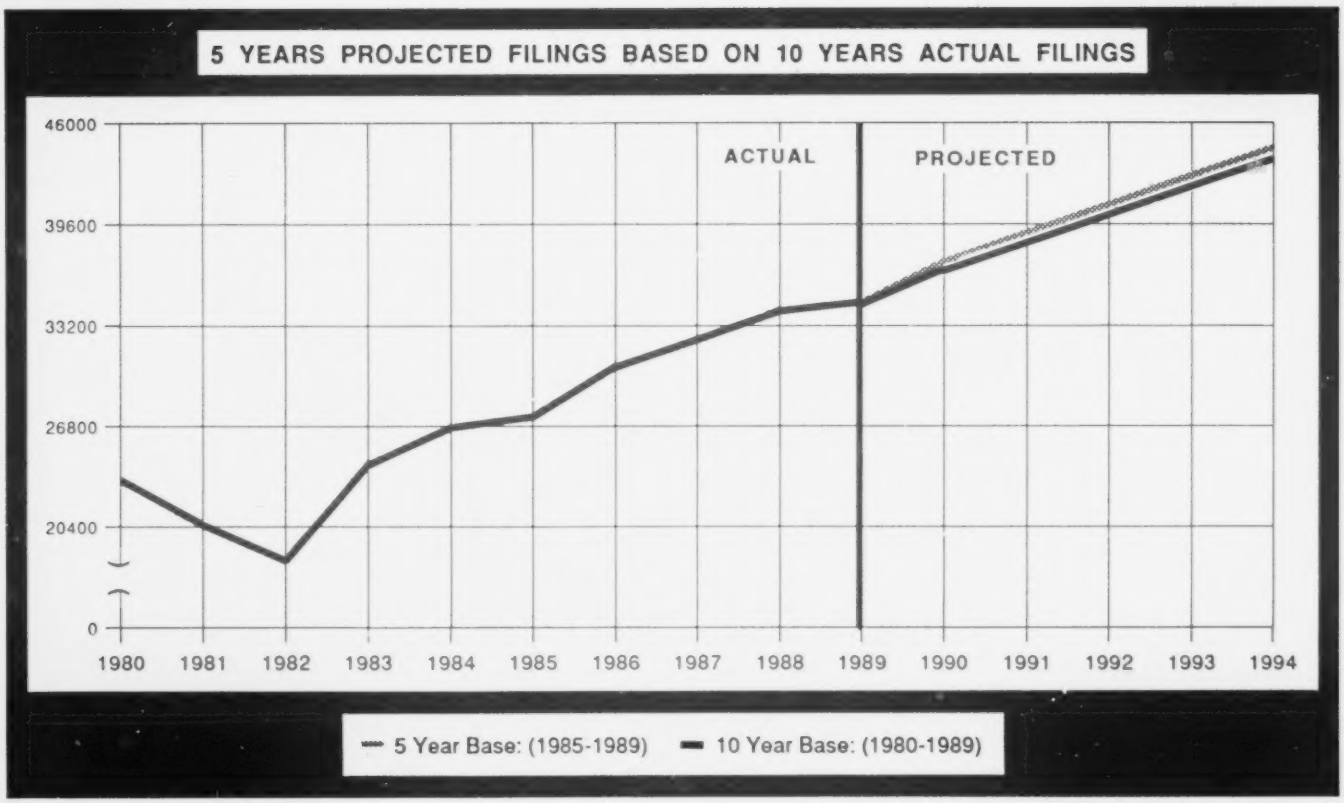


Trend lines computed by linear regression analysis.

Source: Administrative Office of the Courts.

Municipal Court — Total





Trend lines computed by linear regression analysis.

Source: Administrative Office of the Courts.

Justice of the Peace Courts

Chief Magistrate William F. Richardson
Justice of the Peace David R. Anderson
Justice of the Peace Ernst M. Arndt
Justice of the Peace Margaret L. Barrett
Justice of the Peace Sheila A. Blakely
Justice of the Peace Richard L. Brandenburg
Justice of the Peace William W. Brittingham
Justice of the Peace Karen N. Bundek
Justice of the Peace Francis G. Charles
Justice of the Peace Ronald E. Cheeseman
Justice of the Peace Thomas E. Cole
Justice of the Peace Richard D. Comly
Justice of the Peace Edward G. Davis
Justice of the Peace Frederick W. Dewey, Jr.
Justice of the Peace Walter J. Godwin
Justice of the Peace Jeffrey W. Hague
Justice of the Peace Robert F. Handy
Justice of the Peace William J. Hopkins, Jr.
Justice of the Peace Barbara C. Hughes
Justice of the Peace Lorin P. Hunt
Justice of the Peace Thomas W. Hutson
Justice of the Peace Virginia W. Johnson
Justice of the Peace Vivian K. Kleinman
Justice of the Peace James C. Koehring
Deputy Chief Magistrate Morris Levenberg
Justice of the Peace Kathleen C. Lucas
Justice of the Peace Ruth P. Malm
Justice of the Peace John P. McLaughlin
Justice of the Peace Howard W. Mulvaney, III
Justice of the Peace Almetia J. Murray
Justice of the Peace Joyce E. Nolan
Justice of the Peace John W. O'Bier
Deputy Chief Magistrate Thomas J. Orr
Justice of the Peace Ellis B. Parrott
Justice of the Peace Agnes E. Pennella
Justice of the Peace Stanley J. Petraschuk
Justice of the Peace Mable M. Pitt
Justice of the Peace William F. Plack, Jr.
Justice of the Peace Edward M. Poling
Justice of the Peace Russell T. Rash
Justice of the Peace William S. Rowe, Jr.
Justice of the Peace Marcealeate S. Ruffin
Justice of the Peace Rosalie O. Rutkowski
Justice of the Peace David R. Skelley
Justice of the Peace Paul J. Smith
Justice of the Peace Alice W. Stark
Deputy Chief Magistrate Charles M. Stump
Justice of the Peace Rosalind Towlson
Justice of the Peace Abigayle E. Truitt

Justice of the Peace Courts

JUSTICE OF THE PEACE COURTS
Chief Magistrate William F. Richardson

Legal Authorization

The Justice of the Peace Courts are authorized by the *Constitution of Delaware*, Article IV, Section 1.

Court History

As early as the 1600's, Justices of the Peace were commissioned to handle minor civil and criminal cases. Along with a host of other duties, the administering of local government in the 17th and 18th Centuries on behalf of the English Crown was a primary duty of the Justices of the Peace. With the adoption of the State Constitution of 1792, the Justices of the Peace were stripped of their general administrative duties leaving them with minor civil and criminal jurisdiction. During the period 1792 through 1964, the Justices of the Peace were compensated entirely by the costs and fees accessed and collected for the performance of their legal duties.

Geographic Organization

The jurisdiction of the Courts is statewide and sessions are held throughout the State. Of the 19 Courts currently operating, 8 are in New Castle County, 4 are in Kent County and 7 are in Sussex County.

Legal Jurisdiction

The Justice of the Peace Courts have jurisdiction over civil cases in which the amount in controversy does not exceed $2,500. Justice of the Peace Courts are authorized to hear certain misdemeanors and most motor vehicle cases (excluding felonies) and may act as committing magistrates for all crimes. Appeals may be taken de novo to Superior Court. The subject matter jurisdiction of the Justice of the Peace Courts is shared with the Court of Common Pleas.

Justice of the Peace

The Delaware Code authorizes a maximum of 53 Justices of the Peace. The maximum number of Justices of the Peace permitted in each county is 24 in New Castle County, 12 in Kent County and 17 in Sussex County. Justices of the Peace are nominated by the Governor and confirmed by the Senate for terms of four years. A Justice of the Peace must be at least 21 years of age and a resident of the State of Delaware and the county in which he serves. In addition to the 53 Justices of the Peace, the Governor nominates a Chief Magistrate, subject to Senate confirmation.

Support Personnel

An Administrator, an Operations Manager, an administrative officer and a fiscal administrative officer help the Chief Magistrate direct the Justice of the Peace Courts on a daily basis. The State provides clerks of the court, constables and other personnel for the courts.

Justice of the Peace Courts

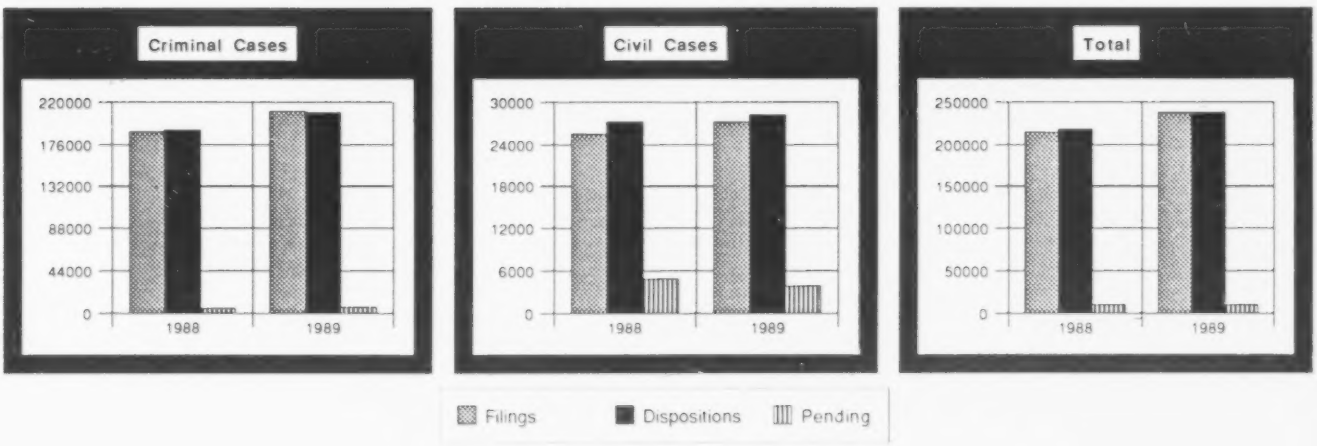
Caseload Trends

Fiscal year 1989 marked the fourth consecutive year in which there were record numbers of both criminal filiings and dispositions. Criminal filings rose by 11.0% from 189,085 in FY 1988 to 209,844 in 1989, an increase of 20,759 filings. Criminal dispositions rose from 190,897 in FY 1988 to 208,820 in FY 1989, an increase of 17,923 cases or 9.4%. Criminal pending increased by 19.5% to 6,288 at the end of 1989 from 5,264 at the end of FY 1988.

Civil filings also increased to 27,176 in FY 1989 from 25,419 in FY 1988, an increase of 6.9%. Civil dispositions rose to a record level of 28,240 in FY 1989 from 27,188 in FY 1988, an increase of 3.9%. Because of the substantial number of dispositions, there was a 28.0% decrease in the number of year-end civil cases pending, from an amended total of 4,866 at the end of FY 1988 to 3,802 at the end of FY 1989.

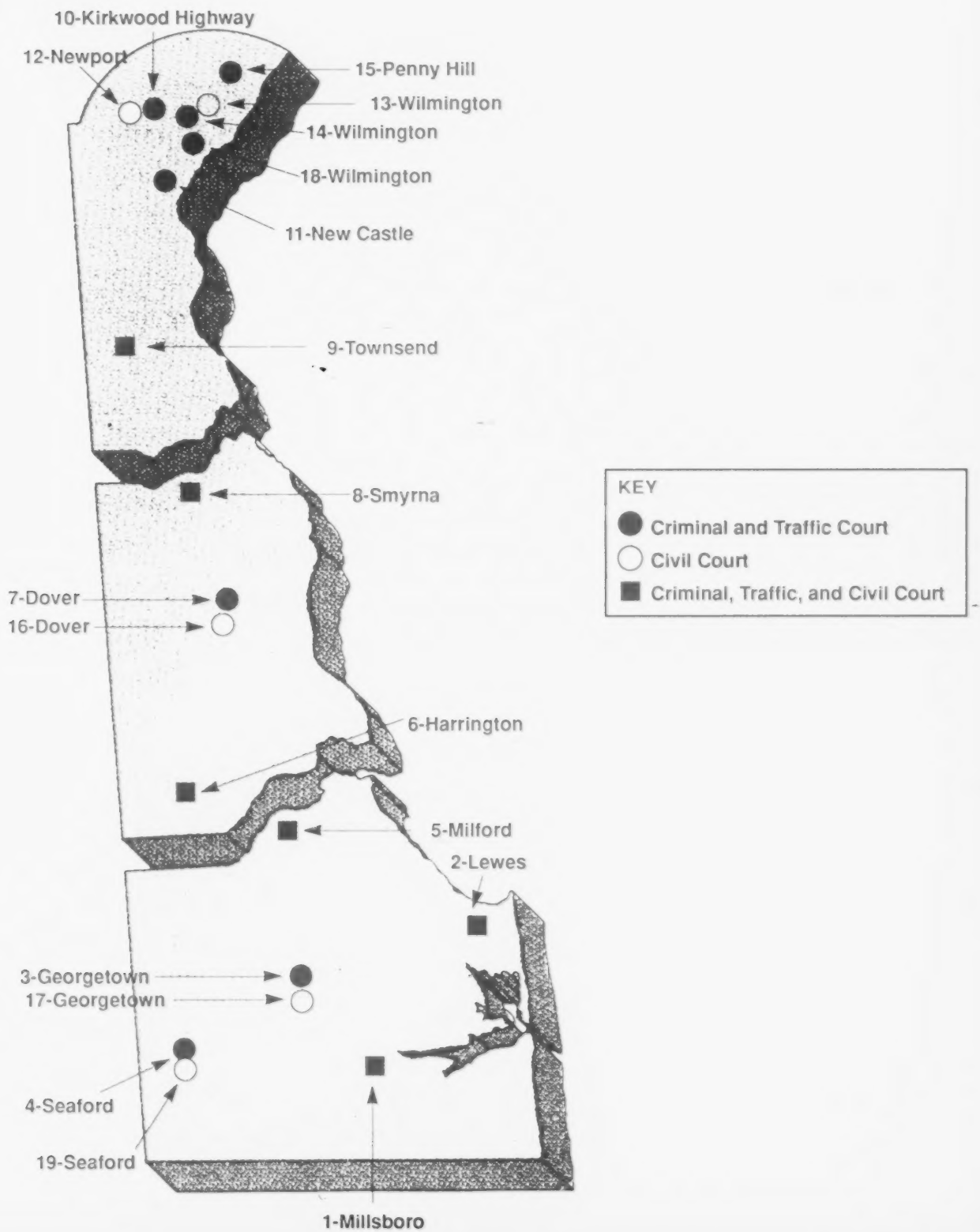
Total filings rose to a record level for the fifth consecutive year to 237,020 from 214,504 filings at the end of FY 1988, which represents a 10.5% increase. Total dispositions reached record levels for the fifth consecutive year as well, rising 8.7% from 218,085 dispositions in FY 1988 to 237,060 in FY 1989. Total pending remained virtually unchanged, falling by 40 cases or 0.4% from an amended total of 10,130 at the end of FY 1988 to 10,090 at the end of FY 1989.

Caseload Trends



Justice of the Peace
Court #13 — Wilmington, Delaware.

Justice of the Peace Courts



Justice of the Peace Courts

FISCAL YEAR 1989 CRIMINAL AND TRAFFIC CASES* – CASELOAD SUMMARY

	Pending 6/30/88	Filings	Dispositions	Pending 6/30/89	Change In Pending	% Change In Pending
New Castle County						
Court 9	18	9,360	9,285	93	+ 75	+ 416.7%
Court 10	251	23,767	23,513	505	+ 254	+ 101.2%
Court 11	3,106	44,482	43,971	3,617	+ 511	+ 16.5%
Court 14**	0	0	0	0	0	-
Court 15	0	19,035	19,035	0	0	-
Court 18	0	9,079	9,079	0	0	-
Kent County						
Court 6	21	8,123	8,137	7	– 14	– 66.7%
Court 7	766	35,624	35,195	1,195	+ 429	+ 56.0%
Court 8	216	2,793	2,992	17	– 199	– 92.1%
Sussex County						
Court 1	32	4,749	4,752	29	– 3	– 9.4%
Court 2	388	18,126	18,352	162	– 226	– 58.2%
Court 3	329	16,924	16,744	509	+ 180	+ 54.7%
Court 4	93	15,410	15,351	152	+ 59	+ 63.4%
Court 5	44	2,372	2,414	2	– 42	– 95.5%
State	5,264	209,844	208,820	6,288	+1,024	+ 19.5%

FISCAL YEAR 1989 CRIMINAL AND TRAFFIC CASES* – CASELOAD BREAKDOWNS

FILINGS

	Title 7 Fish/Game		Title 11 Criminal		Title 21 Traffic		Miscellaneous		TOTALS	
New Castle County										
Court 9	156	1.7%	238	2.5%	8,562	91.5%	404	4.3%	9,360	100.0%
Court 10	369	1.6%	3,409	14.3%	18,584	78.2%	1,405	5.9%	23,767	100.0%
Court 11	609	1.4%	11,713	26.3%	28,689	64.5%	3,471	7.8%	44,482	100.0%
Court 14**	0	–	0	–	0	–	0	–	0	–
Court 15	86	0.5%	2,510	13.2%	16,439	86.4%	0	0.0%	19,035	100.0%
Court 18	0	0.0%	6,291	69.3%	626	6.9%	2,162	23.8%	9,079	100.0%
Kent County										
Court 6	34	0.4%	285	3.5%	7,561	93.1%	243	3.0%	8,123	100.0%
Court 7	387	1.1%	5,675	15.9%	26,717	75.0%	2,845	8.0%	35,624	100.0%
Court 8	70	2.5%	436	15.6%	1,945	69.6%	342	12.2%	2,793	100.0%
Sussex County										
Court 1	484	10.2%	589	12.4%	3,540	74.5%	136	2.9%	4,749	100.0%
Court 2	249	1.4%	755	4.2%	16,880	93.1%	242	1.3%	18,126	100.0%
Court 3	215	1.3%	5,541	32.7%	10,481	61.9%	687	4.1%	16,924	100.0%
Court 4	245	1.6%	1,603	10.4%	13,102	85.0%	460	3.0%	15,410	100.0%
Court 5	59	2.5%	549	23.1%	1,682	70.9%	82	3.5%	2,372	100.0%
State	2,963	1.4%	39,594	18.9%	154,808	73.8%	12,479	5.9%	209,844	100.0%

* The unit of count for criminal and traffic cases is the charge. For example, a defendant brought before a court on 3 charges would be counted as 3 cases.

** Court 14 is used to handle some driving under the influence, fugitive warrant, and other cases which are included in the totals for other courts.

Sources: Chief Magistrate's Office, Justice of the Peace Courts, Administrative Office of the Courts

FISCAL YEAR 1989 CRIMINAL AND TRAFFIC CASES* – CASELOAD BREAKDOWNS (cont'd.)

DISPOSITIONS

	Title 7 Fish/Game		Title 11 Criminal		Title 21 Traffic		Miscellaneous		TOTALS	
New Castle County										
Court 9	84	0.9%	238	2.6%	8,543	92.0%	420	4.5%	9,285	100.0%
Court 10	373	1.6%	3,288	14.0%	18,497	78.7%	1,355	5.8%	23,513	100.0%
Court 11	658	1.5%	11,322	25.7%	28,440	64.7%	3,551	8.1%	43,971	100.0%
Court 14**	0	-	0	-	0	-	0	-	0	-
Court 15	86	0.5%	2,510	13.2%	16,439	86.4%	0	0.0%	19,035	100.0%
Court 18	0	0.0%	6,291	69.3%	626	6.9%	2,162	23.8%	9,079	100.0%
Kent County										
Court 6	34	0.4%	285	3.5%	7,575	93.1%	243	3.0%	8,137	100.0%
Court 7	384	1.1%	5,546	15.8%	26,422	75.1%	2,843	8.1%	35,195	100.0%
Court 8	124	4.1%	485	16.2%	1,990	66.5%	393	13.1%	2,992	100.0%
Sussex County										
Court 1	482	10.1%	592	12.5%	3,542	74.5%	136	2.9%	4,752	100.0%
Court 2	246	1.3%	786	4.3%	17,072	93.0%	248	1.4%	18,352	100.0%
Court 3	215	1.3%	5,475	32.7%	10,376	62.0%	678	4.0%	16,744	100.0%
Court 4	247	1.6%	1,592	10.4%	13,057	85.1%	455	3.0%	15,351	100.0%
Court 5	60	2.5%	561	23.2%	1,709	70.8%	84	3.5%	2,414	100.0%
State	2,993	1.4%	38,971	18.7%	154,288	73.9%	12,568	6.0%	208,820	100.0%

FISCAL YEAR 1989 CRIMINAL AND TRAFFIC CASES* – CASELOAD BREAKDOWNS

CHANGE IN PENDING

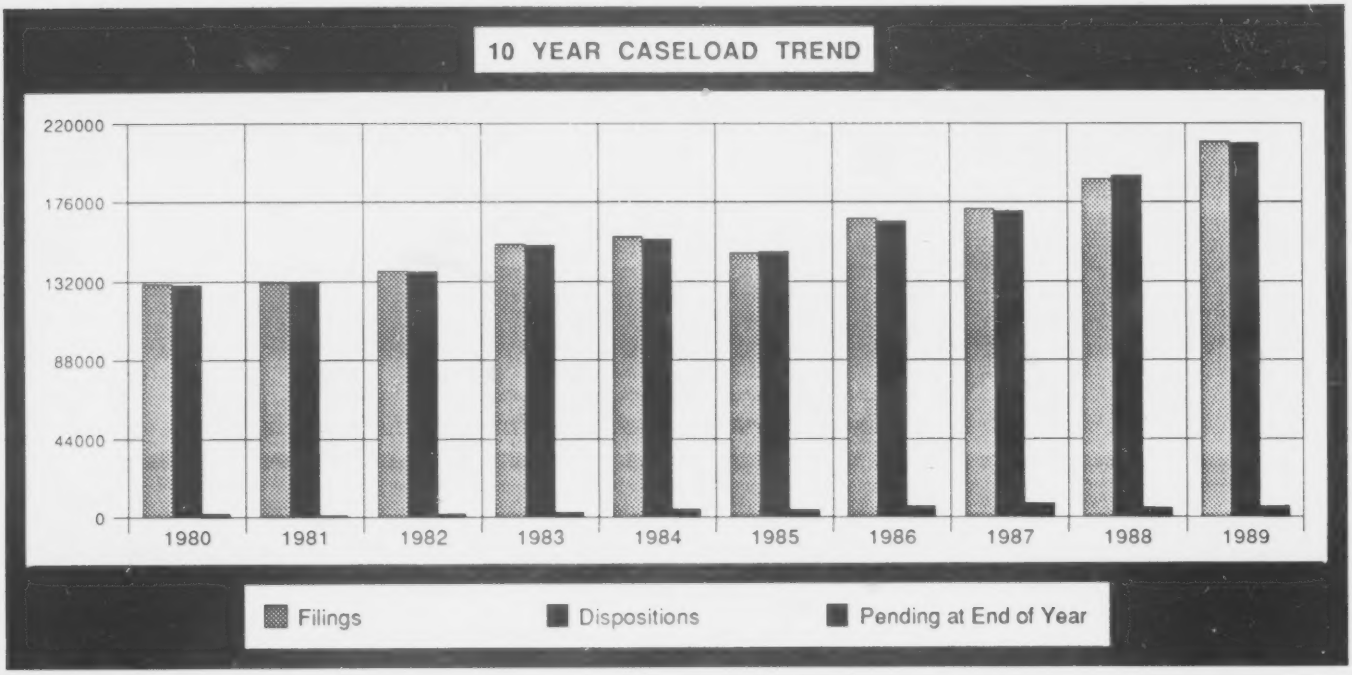
	Title 7 Fish/Game	Title 11 Criminal	Title 21 Traffic	Miscellaneous	TOTALS
New Castle County					
Court 9	+ 72	0	+ 19	– 16	+ 75
Court 10	– 4	+ 121	+ 87	+ 50	+ 254
Court 11	– 49	+ 391	+ 249	– 80	+ 511
Court 14**	0	0	0	0	0
Court 15	0	0	0	0	0
Court 18	0	0	0	0	0
Kent County					
Court 6	0	0	– 14	0	– 14
Court 7	+ 3	+ 129	+ 295	+ 2	+ 429
Court 8	– 54	– 49	– 45	– 51	– 199
Sussex County					
Court 1	+ 2	– 3	– 2	0	– 3
Court 2	+ 3	– 31	– 192	– 6	– 226
Court 3	0	+ 66	+ 105	+ 9	+ 180
Court 4	– 2	+ 11	+ 45	+ 5	+ 59
Court 5	– 1	– 12	– 27	– 2	– 42
State	– 30	+ 623	+ 520	– 89	+ 1,024

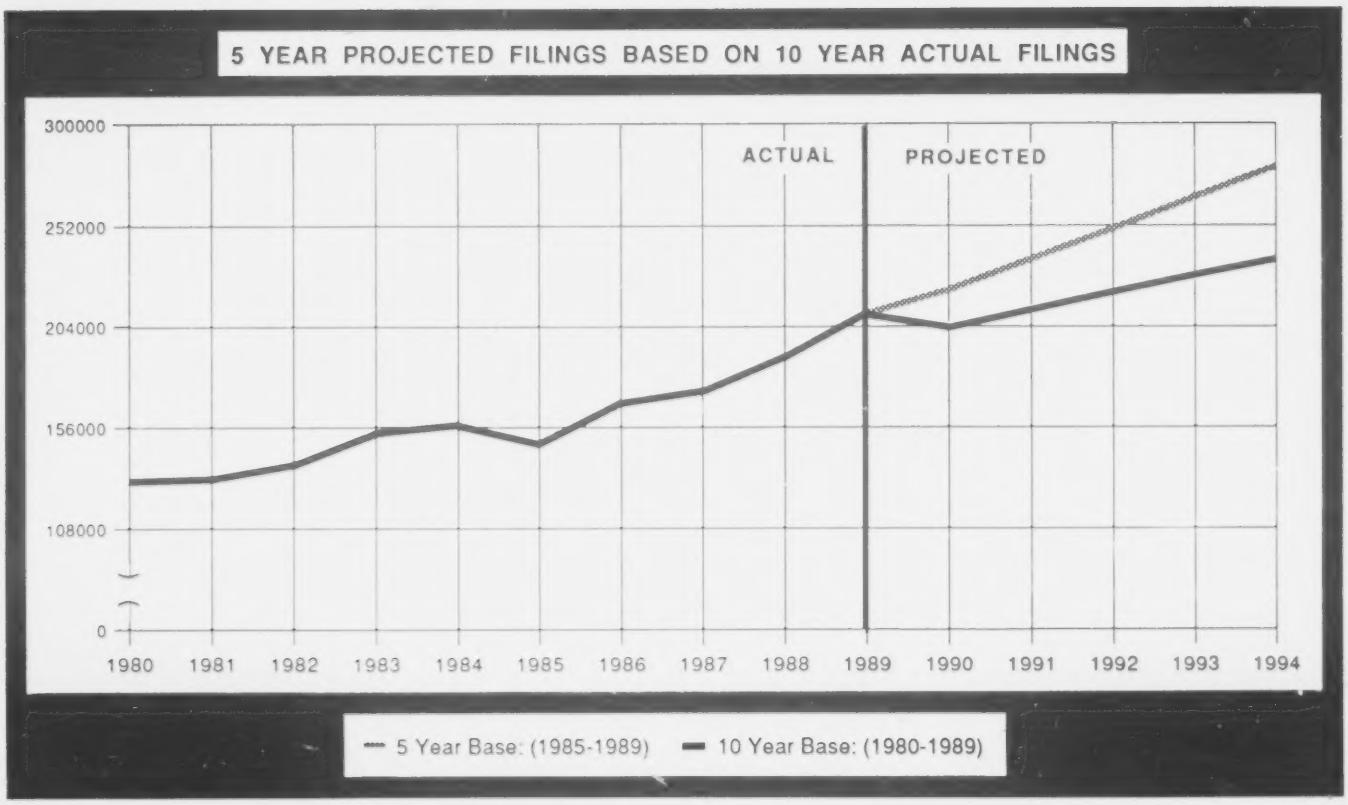
* The unit of count for criminal and traffic cases is the charge. For example, a defendant brought before a court on 3 charges would be counted as 3 cases.

** Court 14 is used to handle some driving under the influence, fugitive warrant, and other cases which are included in the totals for other courts.

Sources: Chief Magistrate's Office, Justice of the Peace Courts, Administrative Office of the Courts.

Justice of the Peace Courts — Criminal





Trend lines computed by linear regression analysis.

Source: Administrative Office of the Courts.

Justice of the Peace Courts

FISCAL YEAR 1989 CRIMINAL AND TRAFFIC CASES* – TYPES OF DISPOSITIONS

	By Mail-In Fine		By Court Appearance		By Counsel Appearance		TOTALS	
New Castle County								
Court 9	7,546	81.3%	1,684	18.1%	55	0.6%	9,285	100.0%
Court 10	11,850	50.4%	10,340	44.0%	1,323	5.6%	23,513	100.0%
Court 11	11,026	25.1%	32,625	74.2%	320	0.7%	43,971	100.0%
Court 14**	0	-	0	-	0	-	0	-
Court 15	7,083	37.2%	11,952	62.3%	0	0.0%	19,035	100.0%
Court 18	0	0.0%	9,062	99.8%	17	0.2%	9,079	100.0%
Kent County								
Court 6	6,415	78.8%	1,578	19.4%	144	1.8%	8,137	100.0%
Court 7	16,042	45.6%	18,367	52.2%	786	2.2%	35,195	100.0%
Court 8	1,207	40.3%	1,734	58.0%	51	1.7%	2,992	100.0%
Sussex County								
Court 1	2,895	60.9%	1,842	38.8%	15	0.3%	4,752	100.0%
Court 2	10,166	55.4%	8,186	44.6%	0	0.0%	18,352	100.0%
Court 3	3,731	22.3%	13,013	77.7%	0	0.0%	16,744	100.0%
Court 4	8,632	56.2%	6,719	43.8%	0	0.0%	15,351	100.0%
Court 5	796	33.0%	1,460	60.5%	158	6.5%	2,414	100.0%
State	87,389	41.8%	118,562	56.8%	2,869	1.4%	208,820	100.0%

COMPARISON - FISCAL YEARS 1988-1989 CRIMINAL AND TRAFFIC CASES* – CASELOAD

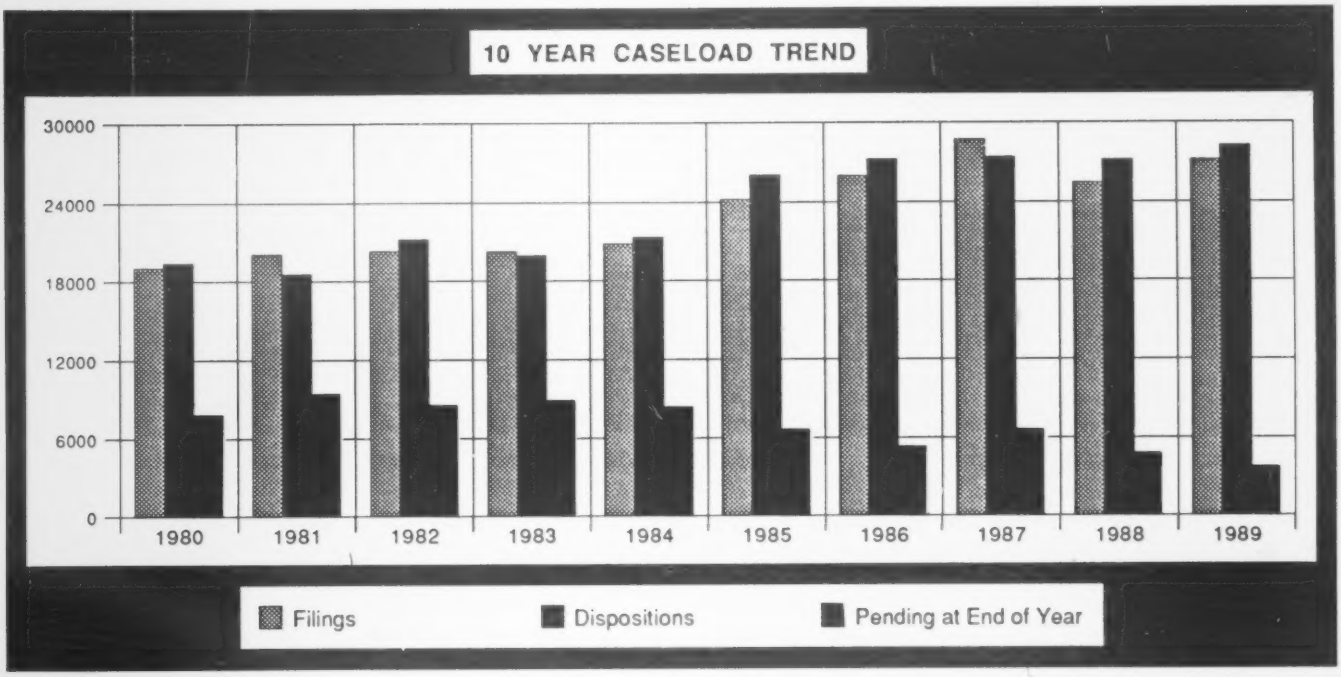
	FILINGS				DISPOSITIONS			
	1988	1989	Change	% Change	1988	1989	Change	% Change
New Castle County								
Court 9	8,495	9,360	+ 865	+ 10.2%	8,493	9,285	+ 792	+ 9.3%
Court 10	27,119	23,767	– 3,352	– 12.4%	26,949	23,513	– 3,436	– 12.8%
Court 11	34,912	44,482	+ 9,570	+ 27.4%	34,056	43,971	+ 9,915	+ 29.1%
Court 14**	0	0	0	–	0	0	0	–
Court 15	15,645	19,035	+ 3,390	+ 21.7%	15,645	19,035	+ 3,390	+ 21.7%
Court 18	8,217	9,079	+ 862	+ 10.5%	8,217	9,079	+ 862	+ 10.5%
Kent County								
Court 6	6,982	8,123	+ 1,141	+ 16.4%	6,961	8,137	+ 1,176	+ 16.9%
Court 7	32,884	35,624	+ 2,740	+ 8.3%	32,765	35,195	+ 2,430	+ 7.4%
Court 8	2,855	2,793	– 62	– 2.2%	2,809	2,992	+ 183	+ 6.5%
Sussex County								
Court 1	3,498	4,749	+ 1,251	+ 35.8%	3,480	4,752	+ 1,272	+ 36.6%
Court 2	14,451	18,126	+ 3,675	+ 25.4%	17,522	18,352	+ 830	+ 4.7%
Court 3	15,396	16,924	+ 1,528	+ 9.9%	15,312	16,744	+ 1,432	+ 9.4%
Court 4	15,830	15,410	– 420	– 2.7%	15,882	15,351	– 531	– 3.4%
Court 5	2,801	2,372	– 429	– 15.3%	2,806	2,414	– 392	– 14.0%
State	189,085	209,844	+20,759	+ 11.0%	190,897	208,820	+17,923	+ 9.4%

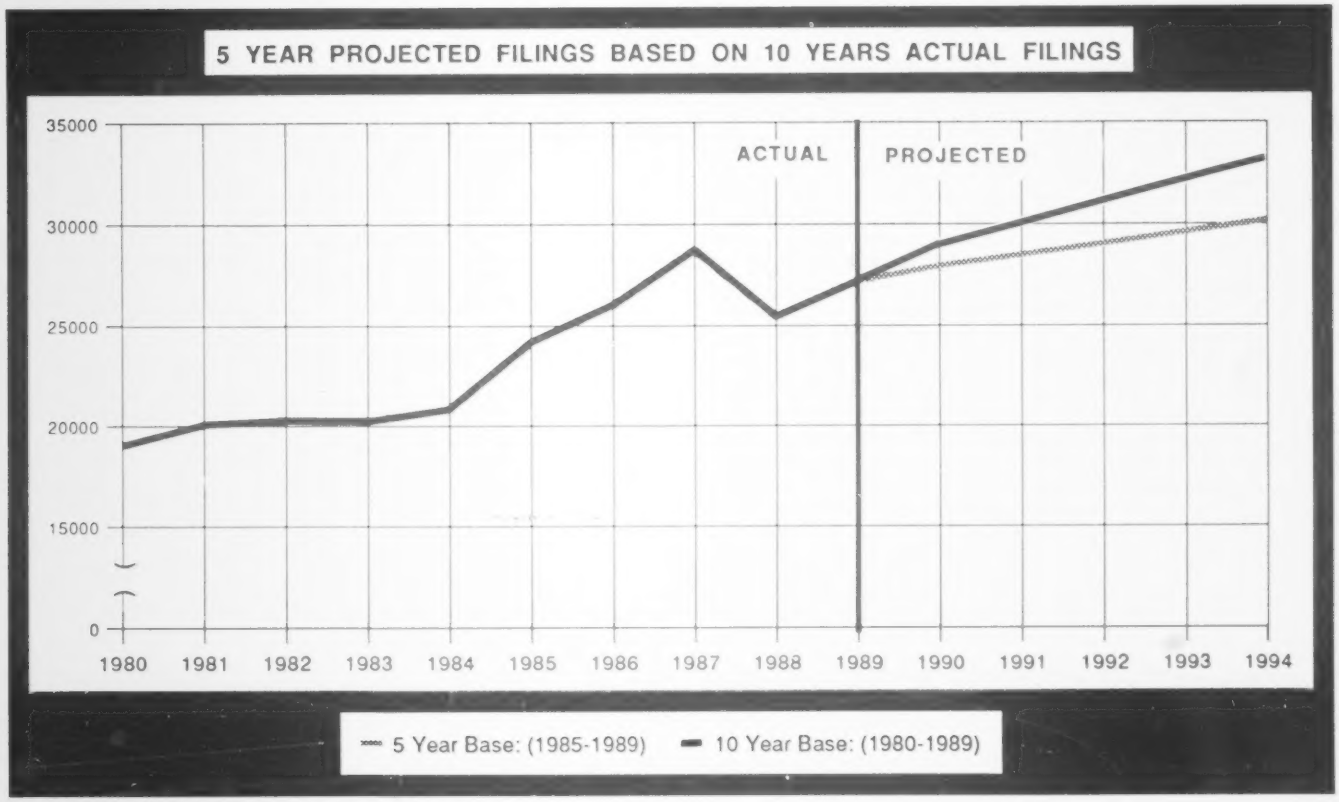
* The unit of count for criminal and traffic cases is the charge. For example, a defendant brought before a court on 3 charges would be counted as 3 cases.

** Court 14 is used to handle some driving under the influence, fugitive warrant, and other cases which are included in the totals for other courts.

Source: Chief Magistrate's Office, Justice of the Peace Courts, Administrative Office of the Courts.

Justice of the Peace Courts — Civil





1980-1988 Pending amended from 1988 Annual Report.

Trend lines computed by linear regression analysis.

Source: Administrative Office of the Courts.

FISCAL YEAR 1989 CIVIL CASES – CASELOAD SUMMARY (cont'd.)

	Pending 6/30/88	Filings	Dispositions	Pending 6/30/89	Change In Pending	% Change In Pending
New Castle County						
Court 9	29	383	404	8	– 21	– 72.4%
Court 12	2,032	7,411	7,980	1,463	– 569	– 28.0%
Court 13	1,256	7,981	8,580	657	– 599	– 47.7%
Kent County						
Court 6	11	1,212	1,201	22	+ 11	+ 100.0%
Court 16	536*	4,020	3,875	681	+ 145	+ 27.1%
Court 8	264*	472	653	83	– 181	– 68.6%
Sussex County						
Court 1	47	638	594	91	+ 44	+ 93.6%
Court 2	42	566	572	36	– 6	– 14.3%
Court 17	255	1,721	1,765	211	– 44	– 17.3%
Court 19	85	1,401	1,382	104	+ 19	+ 22.4%
Court 5	309	1,371	1,234	446	+ 137	+ 44.3%
State	4,866*	27,176	28,240	3,802	– 1,064	– 21.9%

FISCAL YEAR 1989 CIVIL CASES – CASELOAD BREAKDOWNS

	FILINGS						DISPOSITIONS					
	Complaints		Landlord/Tenant		TOTALS		Complaints		Landlord/Tenant		TOTALS	
New Castle County												
Court 9	279	72.8%	104	27.2%	383	100.0%	289	71.5%	115	28.5%	404	100.0%
Court 12	4,588	61.9%	2,823	38.1%	7,411	100.0%	5,096	63.9%	2,884	36.1%	7,980	100.0%
Court 13	5,404	67.7%	2,577	32.3%	7,981	100.0%	6,020	70.2%	2,560	29.8%	8,580	100.0%
Kent County												
Court 6	1,121	92.5%	91	7.5%	1,212	100.0%	1,110	92.4%	91	7.6%	1,201	100.0%
Court 16	2,850	70.9%	1,170	29.1%	4,020	100.0%	2,850	73.5%	1,025	26.5%	3,875	100.0%
Court 8	386	81.8%	86	18.2%	472	100.0%	567	86.8%	86	13.2%	653	100.0%
Sussex County												
Court 1	350	54.9%	288	45.1%	638	100.0%	365	61.4%	229	38.6%	594	100.0%
Court 2	397	70.1%	169	29.9%	566	100.0%	401	70.1%	171	29.9%	57	100.0%
Court 17	1,611	93.6%	1106	4%	1,721	100.0%	1,655	93.8%	110	6.2%	1,765	100.0%
Court 19	1,047	74.7%	354	25.3%	1,401	100.0%	1,032	74.7%	350	25.3%	1,382	100.0%
Court 5	1,313	95.8%	58	4.2%	1,371	100.0%	1,187	96.2%	47	3.8%	1,234	100.0%
State	19,346	71.2%	7,830	28.8%	27,176	100.0%	20,572	72.8%	7,668	27.2%	28,240	100.0%

*Amended from 1988 Annual Report

Sources: Chief Magistrate's Office, Justice of the Peace Courts, Administrative Office of the Courts

Justice of the Peace Courts

FISCAL YEAR 1989 CIVIL CASES – CASELOAD BREAKDOWNS

CHANGE IN PENDING

	Complaints	Landlord/Tenant	TOTALS
New Castle County			
Court 9	– 20	– 11	– 31
Court 12	– 508	– 61	– 569
Court 13	– 616	+ 17	– 599
Kent County			
Court 6	+ 11	0	+ 11
Court 16	0	+ 145	+ 145
Court 8	– 181	0	– 181
Sussex County			
Court 1	– 15	+ 59	+ 44
Court 2	– 4	– 2	– 6
Court 17	– 44	0	– 44
Court 19	+ 15	+ 4	+ 19
Court 5	+ 126	+ 11	+ 137
State	– 1,236	+ 162	– 1,074

COMPARISON - FISCAL YEARS 1988-1989 CIVIL CASES – CASELOAD

	FILINGS				DISPOSITIONS			
	1988	1989	Change	% Change	1988	1989	Change	% Change
New Castle County								
Court 9	304	383	+ 79	+ 26.0%	289	404	+ 115	+ 39.8%
Court 12	6,243	7,411	+ 1,168	+ 18.7%	6,181	7,980	+ 1,799	+ 29.1%
Court 13	7,956	7,981	+ 25	+ 0.3%	8,058	8,580	+ 522	+ 6.5%
Kent County								
Court 6	1,309	1,212	– 97	– 7.4%	1,348	1,201	– 147	– 10.9%
Court 16	3,125	4,020	+ 895	+ 28.6%	3,740	3,875	+ 135	+ 3.6%
Court 8	1,007	472	– 535	– 53.1%	925	653	– 272	– 29.4%
Sussex County								
Court 1	470	638	+ 168	+ 35.8%	464	594	+ 130	+ 28.0%
Court 2	593	566	– 27	– 4.6%	1,837	572	– 1,265	– 68.9%
Court 17	1,831	1,721	– 110	– 6.0%	1,803	1,765	– 38	– 2.1%
Court 19	1,355	1,401	+ 46	+ 3.4%	1,420	1,382	– 38	– 2.7%
Court 5	1,226	1,371	+ 145	+ 11.8%	1,123	1,234	+ 111	+ 9.9%
State	25,419	27,176	+ 1,757	+ 6.9%	27,188	28,240	+ 1,052	+ 3.9%

*The unit of count for criminal and traffic cases is the charge. For example, a defendant brought before a court on 3 charges would be counted as 3 cases.

**Court 14 is used to handle some driving under the influence, fugitive warrant, and other cases which are included in the totals for other courts.

Source: Chief Magistrate's Office, Justice of the Peace Courts, Administrative Office of the Courts.

Justice of the Peace Courts

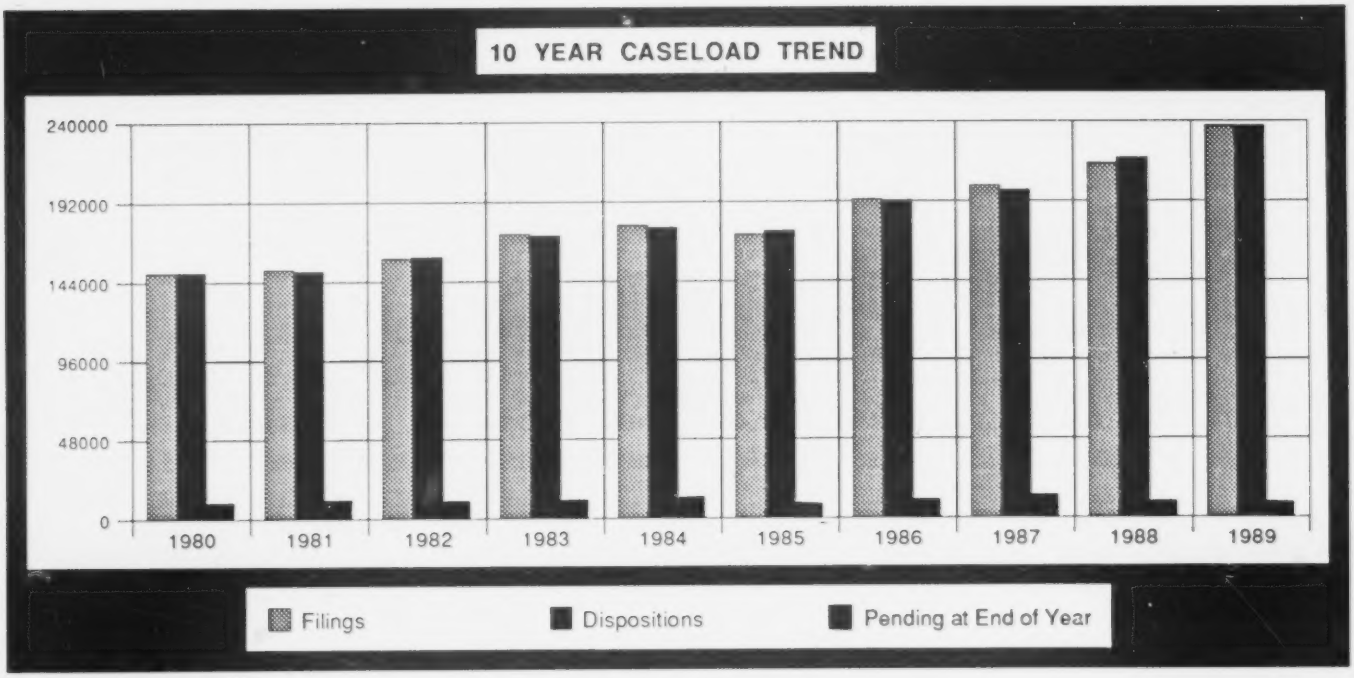
FISCAL YEAR 1989 RANKINGS IN ORDER OF TOTAL CASES FILED

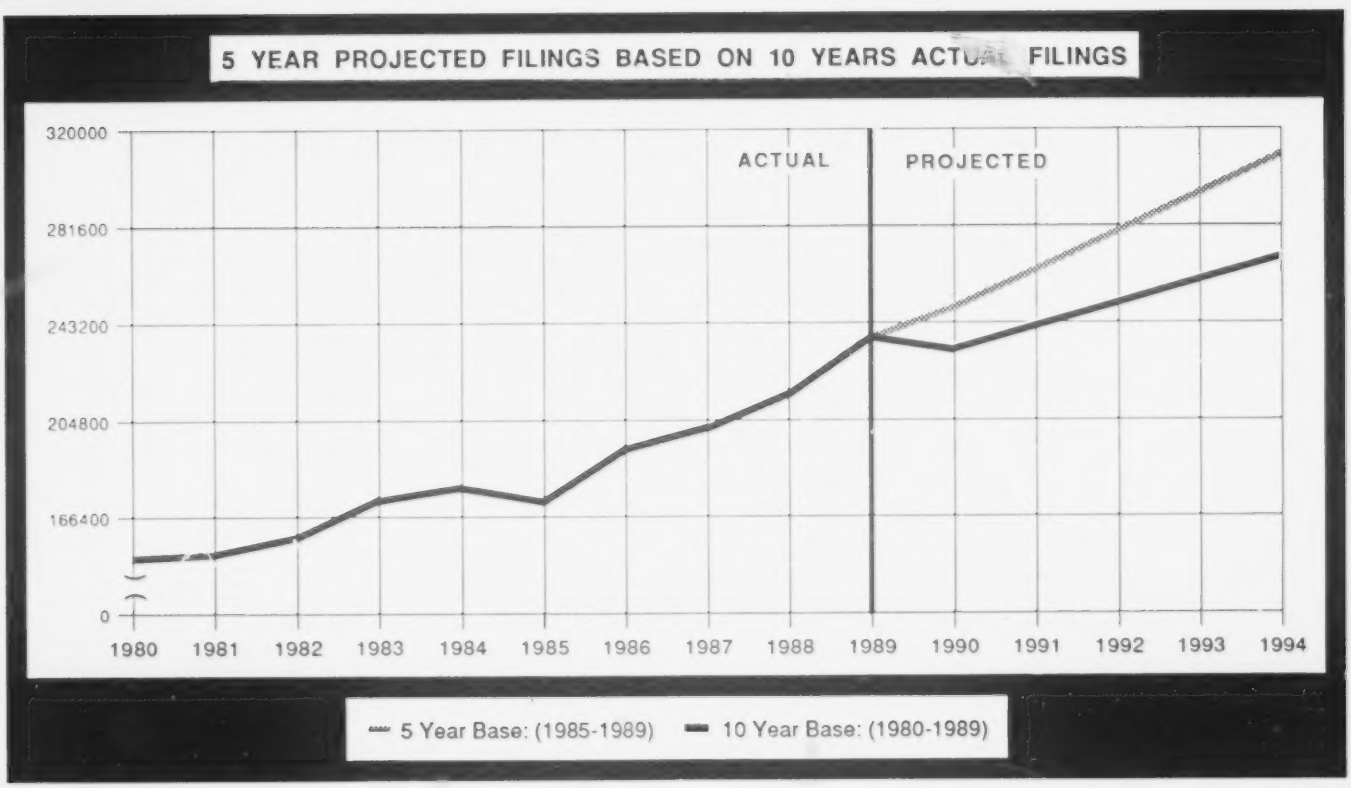
Rank	Court #	Total Number of Cases Filed*	Percentage of Total	FY 1988 Rank
1	11	44,482	18.8%	1
2	7	35,624	15.0%	2
3	10	23,767	10.0%	3
4	15	19,035	8.0%	5
5	2	18,692	7.9%	7
6	3	16,924	7.1%	6
7	4	15,410	6.5%	4
8	9	9,743	4.1%	8
9	6	9,335	3.9%	9
10	18	9,079	3.8%	10
11	13	7,981	3.4%	11
12	12	7,411	3.1%	12
13	1	5,387	2.3%	14
14	16	4,020	1.7%	16
15	5	3,743	1.6%	13
16	8	3,265	1.4%	15
17	17	1,721	0.7%	17
18	19	1,401	0.6%	18
19	14**	0	0.0%	19
State		237,020	100.0%	

* The unit of count for criminal and traffic cases is the charge. For example, a defendant brought before a court on 3 charges would be counted as 3 cases.
** Court 14 is used to handle some driving under the influence, fugitive warrant, and other cases which are included in the totals for other courts.
Source: Chief Magistrate's Office, Justice of the Peace Courts, Administrative Office of the Courts.

New State owned Justice of the Peace Court #5 — Milford, Delaware.

Justice of the Peace Courts — Total





1980-1988 pending amended from 1988 Annual Report.

Trend lines computed by linear regression analysis.

Source: Administrative Office of the Courts.

Alderman's Courts

Chief Alderman Thomas B. Ferry (Newark)
Deputy Chief Alderman Richard A. Barton (Fenwick Island)
Mayor Patricia Blevins (Elsmere)
Alderman Constance H. Collins (Bridgeville)
Alderman Michael J. DeFiore (Rehoboth Beach)
Alderman Marilyn F. Denny (Ocean View)
Mayor John F. Klingmeyer (New Castle)
Alderman Annette Leech (Newport)
Alderman James C. Pope, II (Dewey Beach)
Alderman J. Joseph Tansey (Bethany Beach)
Alderman Edward Walmsley, Jr. (Laurel)
Alderman Linda H. Walmsley (Delmar)

Alderman's Courts

Legal Authorization

Alderman's Courts are authorized by the town charters of their respective municipalities.

Geographic Organization

Alderman's Courts have jurisdiction only within their own town limits. There were 12 active Alderman's or Mayor's Courts at the start of FY 1989; four in New Castle County and eight in Sussex County. When a town is without a Court or an Alderman for any period of time, its cases are transferred to the nearest Justice of the Peace Court.

Legal Jurisdiction

The jurisdiction of an Alderman's Court is limited to misdemeanors, traffic offenses, parking violations and minor civil matters. The specific jurisdiction of each court varies with the town charter (which is approved by the State Legislature). Appeals are taken de novo to Superior Court within 15 days of the trial.

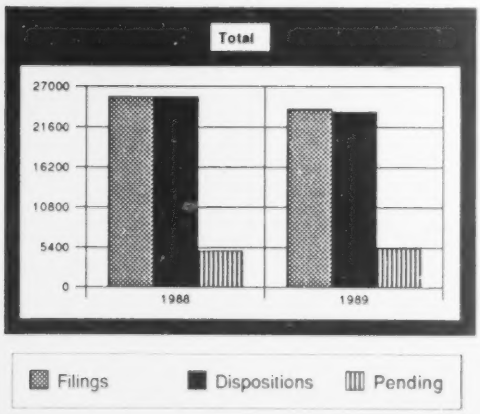
Aldermen

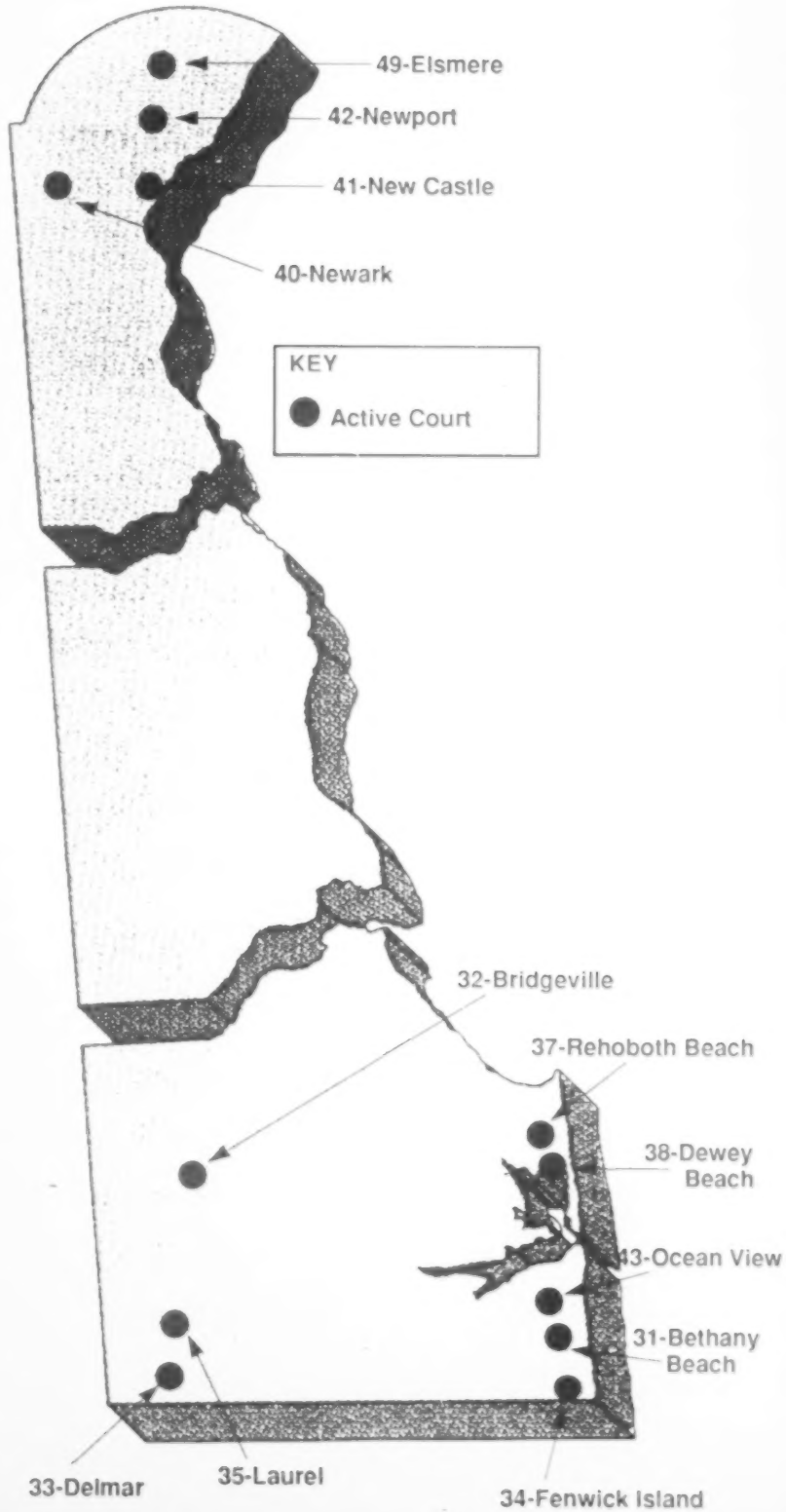
The selection, number, tenure and qualifications of Aldermen are determined by the towns themselves. Some require lawyers while others choose ordinary citizens. A few Aldermen serve full-time, while some are part-time judges. In New Castle, the Mayor serves as Judge of their Court.

Caseload Trends

There were 24,029 total filings in FY 1989 as compared with 25,652 total filings in FY 1988. Total dispositions fell from 25,667 in FY 1988 to 23,615 in FY 1989. The drops in both filings and dispositions are explained largely by the lack of data from the Dewey Beach Alderman's Court for FY 1989 as compared with the complete data from the same Court during FY 1988.

Total pending rose by 8.4% to 5,369 at the end of FY 1989 from 4,955 at the end of FY 1988 for all of the Alderman's Courts. Since there was no data from Dewey Beach to indicate the change in pending, the pending data at the end of FY 1988 is carried over to the end of FY 1989 as well.





Alderman's Courts

FISCAL YEAR 1989 TOTAL CASES* – CASELOAD SUMMARY

Court	Pending 6/30/88	Filings	Dispositions	Pending 6/30/89	Change In Pending	% Change In Pending
New Castle County						
Elsmere**	94	1,345	1,369	70	– 24	– 25.5%
Newark	3,879	8,189	8,028	4,040	+ 161	+ 4.2%
New Castle	0	462	460	2	+ 2	—
Newport**	190	4,435	4,477	148	– 42	– 22.1%
Sussex County						
Bethany Beach	237	1,691	1,691	237	0	0.0%
Bridgeville	57	2,411	2,340	128	+ 71	+ 124.6%
Delmar	120	412	376	156	+ 36	+ 30.0%
Dewey Beach***	130	NA	NA	130	0	0.0%
Fenwick Island	0	1,365	1,365	0	0	—
Laurel	151	1,013	961	203	+ 52	+ 34.4%
Ocean View	0	143	143	0	0	—
Rehoboth Beach	97	2,563	2,405	255	+ 158	+ 162.9%
TOTALS	4,955	24,029	23,615	5,369	+ 414	+ 8.4%

FISCAL YEAR 1989 CRIMINAL CASES* – CASELOAD SUMMARY

Court	Pending 6/30/88	Filings	Dispositions	Pending 6/30/89	Change In Pending	% Change In Pending
New Castle County						
Elsmere	0	0	0	0	0	—
Newark	1,160	3,253	3,083	1,330	+ 170	+ 14.7%
New Castle	0	9	8	1	+ 1	—
Newport	0	0	0	0	0	—
Sussex County						
Bethany Beach	26	52	47	31	+ 5	+ 19.2%
Bridgeville	0	664	664	0	0	—
Delmar	47	10	12	45	– 2	– 4.3%
Dewey Beach***	92	NA	NA	92	0	0.0%
Fenwick Island	0	34	34	0	0	—
Laurel	37	327	255	109	+ 72	+ 194.6%
Ocean View	0	0	0	0	0	—
Rehoboth Beach	1	168	164	5	+ 4	+ 400.0%
TOTALS	1,363	4,517	4,267	1,613	+ 250	+ 18.3%

NA=Not Available

*The unit of count for criminal and traffic cases is the charge. For example, a defendant with three charges disposed of is counted as 3 dispositions.

**The Elsmere Court and the Newport Court only collect fines for traffic cases and do not actually try the case.

***Due to unavailability of data for filings and dispositions for FY 1989, the pending for Dew[illegible]Beach at the end of FY 1988 was carried over to the end of FY 1989.

Source: Alderman's Courts, Administrative Office of the Courts.

Alderman's Courts

FISCAL YEAR 1989 TRAFFIC CASES* – CASELOAD SUMMARY

Court	Pending 6/30/88	Filings	Dispositions	Pending 6/30/89	Change In Pending	% Change In Pending
New Castle County						
Elsmere**	94	1,345	1,369	70	– 24	– 25.5%
Newark	2,719	4,936	4,945	2,710	– 9	– 0.3%
New Castle	0	453	452	1	+ 1	—
Newport**	190	4,435	4,477	148	– 42	– 22.1%
Sussex County						
Bethany Beach	211	1,639	1,644	206	– 5	– 2.4%
Bridgeville	57	1,747	1,676	128	+ 71	+ 124.6%
Delmar	73	402	364	111	+ 38	+ 52.1%
Dewey Beach***	38	NA	NA	38	?	0.0%
Fenwick Island	0	1,331	1,331	0	0	—
Laurel	114	686	706	94	– 20	– 17.5%
Ocean View	0	143	143	0	0	—
Rehoboth Beach	96	2,395	2,241	250	+ 154	+ 160.4%
TOTALS	3,592	19,512	19,348	3,756	+ 164	+ 4.6%

COMPARISON – FISCAL YEARS 1988-1989 TOTAL CASES– CASELOAD

Number of Filings*

COURT	1988	1989	Change	% Change
New Castle				
Elsmere**	2,769	1,345	– 1,424	– 31.4%
Newark	7,372	8,189	+ 817	+ 11.1%
New Castle	597	462	– 135	– 22.6%
Newport**	4,570	4,435	– 135	– 3.0%
Sussex County				
Bethany Beach	1,658	1,691	+ 33	– 2.0%
Bridgeville	2,998	2,411	– 587	– 19.6%
Delmar	230	412	+ 182	+ 93.8%
Dewey Beach	1,503	NA	– 1,503	–100.0%
Fenwick Island	1,723	1,365	– 358	– 20.8%
Laurel	696	1013	+ 317	+ 45.5%
Ocean View	214	143	– 71	– 33.2%
Rehoboth Beach	1,322	2,563	+ 1,241	+ 93.9%
TOTALS	25,652	24,029	– 1,623	– 6.3%

NA=Not Available

*The unit of count in traffic and criminal cases is the charge. For example, a defendant with three charges disposed of is counted as three defendants.

**The Elsmere Court and the Newport Court only collect fines for traffic cases and do not actually try the case.

***Due to the unavailability of data on filings and dispositions for FY 1989, the pending for Dewey Beach at the end of FY 1988 was carried over to the end of FY 1989.

Source: Alderman's Courts, Administrative Office of the Courts.

Alderman's Courts

COMPARISON – FISCAL YEARS 1988-1989 TOTAL CASES– CASELOAD (cont'd.)

Number of Dispositions*

COURT	1988	1989	Change	% Change
New Castle				
Elsmere**	2,717	1,369	– 1,348	– 49.6%
Newark	7,322	8,028	+ 706	+ 9.6%
New Castle	597	460	– 137	– 22.9%
Newport**	4,476	4,477	+ 1	+ 0.0%
Sussex County				
Bethany Beach	1,752	1,691	– 61	– 3.5%
Bridgeville	3,135	2,340	– 795	– 25.4%
Delmar	194	376	+ 182	+ 93.8%
Dewey Beach	1,572	NA	– 1,572	–100.0%
Fenwick Island	1,723	1,365	– 358	– 20.8%
Laurel	648	961	+ 313	+ 48.3%
Ocean View	214	143	– 71	– 33.2%
Rehoboth Beach	1,317	2,405	+ 1,088	+ 82.6%
TOTALS	25,667	23,615	– 2,052	– 8.0%

FISCAL YEAR 1989 — RANKING IN ORDER OF TOTAL CASES FILED

Rank	Total Number of Filings*	Percentage of Total	FY 1988 Rank
1 Newark	8,189	34.1%	1
2 Newport**	4,435	18.5%	2
3 Rehoboth Beach	2,563	10.7%	8
4 Bridgeville	2,411	10.0%	3
5 Bethany Beach	1,691	7.0%	6
6 Fenwick Island	1,365	5.7%	5
7 Elsmere	1,345	5.6%	4
8 Laurel	1,013	4.2%	9
9 New Castle	462	1.9%	10
10 Delmar	412	1.7%	11
11 Ocean View	143	0.6%	12
12 Dewey Beach	NA	NA	7
TOTALS	24,029	100.0%	

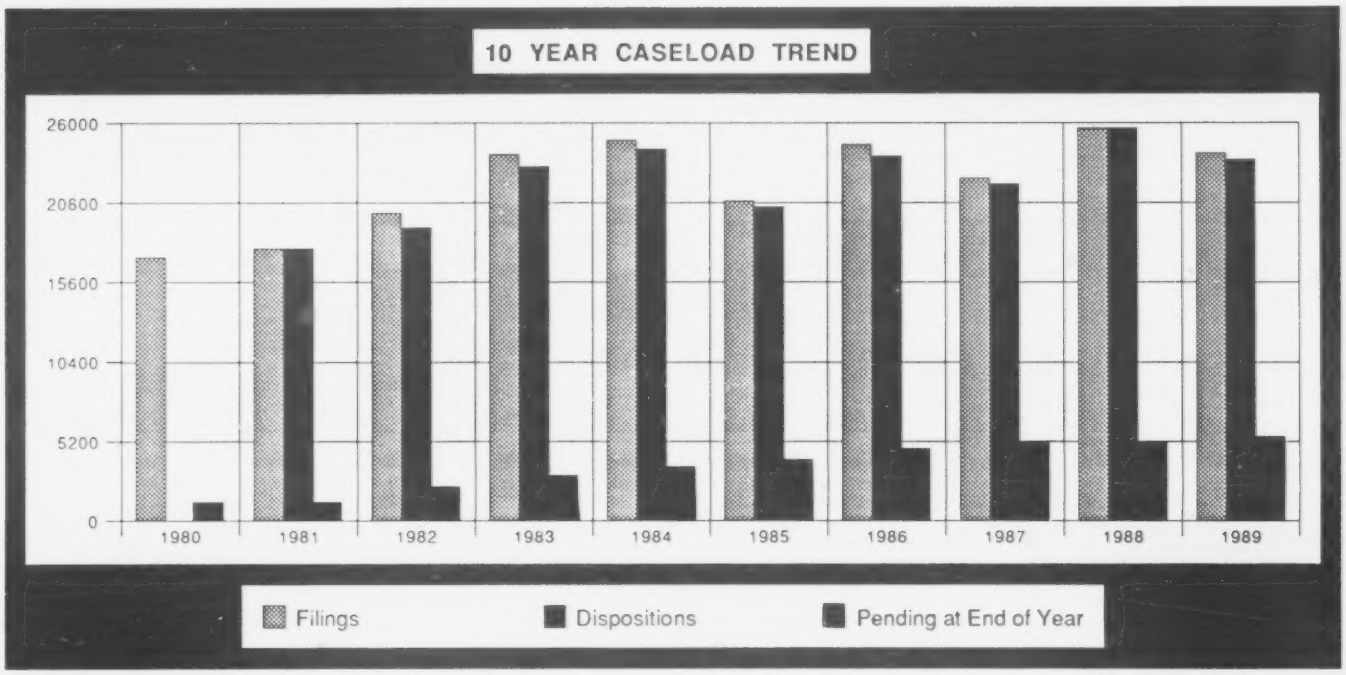
NA=Not Available

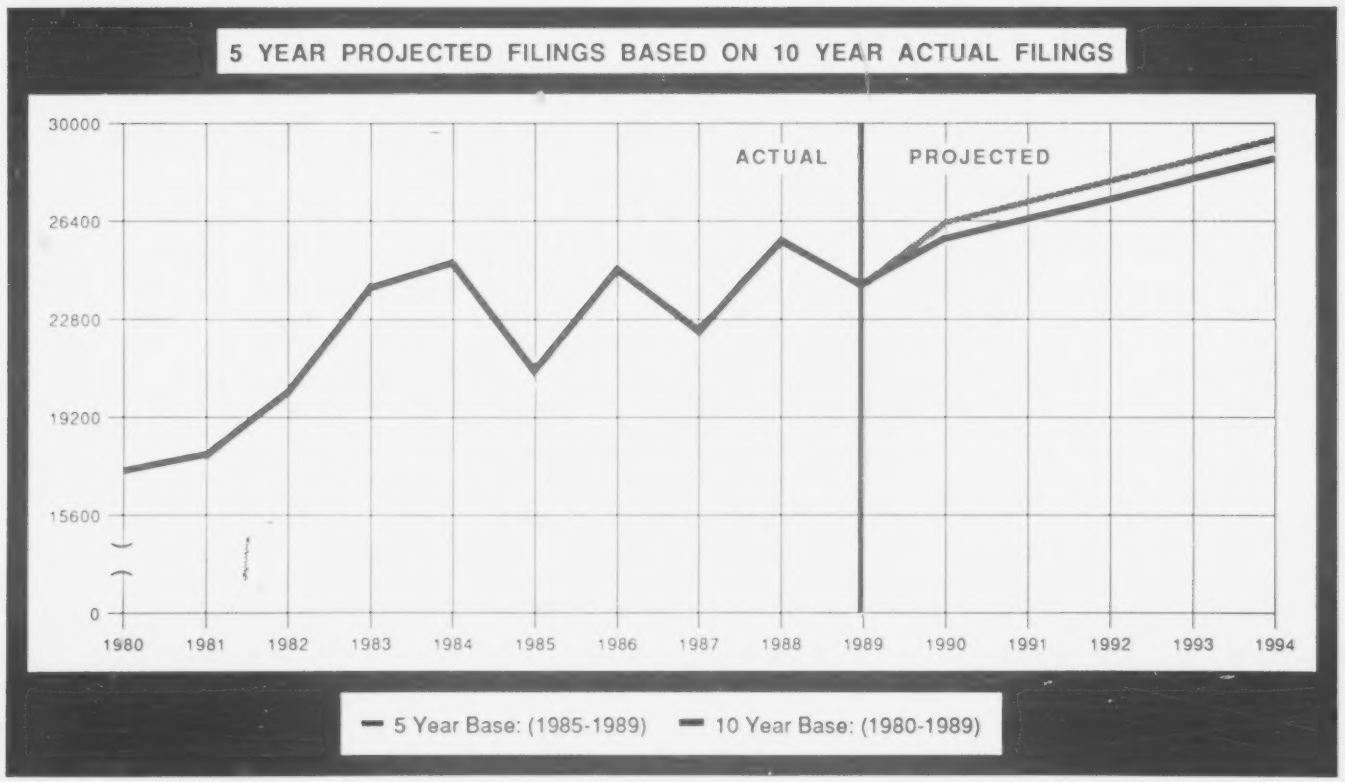
*The unit of count in criminal and traffic cases is the charge. For example, a defendant with three charges disposed of is counted as three dispositions.

**The Elsmere Court and the Newport Court collect fines for traffic cases and do not actually try the case.

Source: Alderman's Courts, Administrative Office of the Courts.

Alderman's Courts — Total





Dispositions not available until FY 1981.

Trend lines computed by linear regression analysis.

Source: Administrative Office of the Courts

Judicial Agencies and Bodies

Judicial Agencies and Bodies

Administrative Office of the Courts

Legal Authorization

The Administrative Office of the Courts was established by 10 *Delaware Code*, §128.

Duties

The Administrative Office of the Courts assists the Chief Justice of Delaware in carrying out his constitutionally prescribed administrative responsibilities as head of all courts in the State. The Office serves as the central administrative office for coordination and communication concerning all system-wide court administrative activities. The Office also recommends and implements uniform policies and objectives of the Chief Justice and the Supreme Court and strives to assure compliance therewith. The duties and responsibilities of the Office are steadily increasing and the Office continues to expand the services it provides to the various courts. The Administrative Office is currently involved in a wide variety of activities which include: the development and implementation of a statewide information system including a case and court management component; the management of the Judicial Personnel System which includes four courts and five judicial agencies, the statewide monitoring and coordination of all court fiscal matters which includes the preparation and coordination of the unified judicial budget; the payment of all jurors, witnesses, and court-appointed attorneys; the development and implementation of a uniform accounting system for non-appropriated monies handled by the courts; the preparation and publication of the *Annual Report of the Delaware Judiciary;* secretariat and support staff to the Judicial Conferences and the Long Range Courts Planning Committee; public information services and liaison with Executive Branch departments and the Legislature.

Personnel

The Director of the Administrative Office of the Courts is appointed by and serves at the pleasure of the Chief Justice of the Supreme Court of the State of Delaware.

The Director may, with the approval of the Chief Justice, appoint such assistants and support personnel as required.

Law Libraries

The standards for the control and supervision of the three Law Libraries are set in 10 *Del. C.* 1941.

There are three Law Libraries located in the State of Delaware, staffed and maintained by state funds and each presided over by a law librarian. The Libraries are named after the counties in which they are situated.

The primary function of the Law Libraries is to provide a legal information center for the Judiciary, Public Defender's Office, legal representatives of counties and municipalities, city solicitors and members of the Delaware Bar. They are also the official depositories for state laws, administrative regulations and court rules. The libraries are made available to registered law students to assist them in preparation for state bar examinations and in their legal education. All three Libraries are designated as official depository libraries by the U.S. Government Printing Office. As state-supported agencies, the Libraries are available to the general public during normal working hours although use of the Kent County Law Library has sometimes been limited to court-related users. Assistance is given to persons wishing to use the facilities whenever possible.

The New Castle County Law Library, located in the Public Building, Wilmington, Delaware, is the busiest of the three Libraries. It houses about 25,000 books and there is presently seated working space for about 32 persons at one time. The recent purchase of a reader-printer which can make positive printouts from both ultrafiche and microfiche records has been a help to the Law Library and its users. The facility is maintained and administered by a law librarian and a library assistant. The Kent County Law Library, due to its location, is designated as the State Library. It houses the largest legal library maintained by the State with about 35,000 volumes and is staffed by one law librarian. The Sussex County Law Library is staffed by one law librarian and houses about 14,000 volumes.

The Law Libraries are responsible for administrative library work as well as maintaining the bookkeeping records required by the State. These duties and responsibilities include but are not limited to the following: insertion of pocket parts, maintenance of loose leaf service bookkeeping for the agency's accounts, preparing invoices for library expenditures, filing and indexing reported and unreported opinions from the several courts, obtaining and filing copies of rules and regulations promulgated by the governmental agencies, maintaining of books and their monetary values, obtaining and filing statutes from the Legislative Council and other states, handling requests from various persons for information contained in the Library, handling special requests for research work from the judges, planning and recommending development and improvement of services, writing reports and performing other duties associated with library work.

Public Guardian

Legal Authorization

The authority for the Office of the Public Guardian is derived from Title 12, §3991, of the *Delaware Code*, which states that:

"There is established the Office of the Public Guardian. The Chancellor shall appoint the Public Guardian, who shall serve at his pleasure."

Geographic Organization

The Office of the Public Guardian has responsibility for the entire State and presents its petitions for guardianships in the Court of Chancery in all three counties.

Legal Jurisdiction

The powers and duties of the Public Guardian are stated in Title 12, §3992, of the *Delaware Code;*

"The Public Guardian, when appointed as guardian by Court order, shall:

1. Serve as a guardian for the property of aged, mentally infirm or physically incapacitated persons, pursuant to §3914 of this title;
2. Serve as a guardian for the person of aged, mentally or physically incapacitated persons where such persons are in danger of substantially endangering their health, or of becoming subject to abuse by other persons or of becoming the victim of designing persons; or
3. Serve as both guardian of the person and of property of such person."

The legislation creating the Office of the Public Guardian creates a guardianship capability for a person needing a guardian but who does not have a relative, friend, or other person interested in and capable of serving as a guardian, whose estate is insufficient to purchase the services of a private guardian or who would best be served by a neutral guardian. This has resulted in the Office of the Public Guardian serving as consultant to agencies, attorneys or families about guardianship matters.

Personnel

The Public Guardian is aided by an administrative officer, one full-time and two part-time caseworkers, and an accounting clerk in providing guardianship services. The Educational Surrogate Parent Coordinator is housed in the Office of the Public Guardian, but does not devote any time to the provision of guardianship services.

Caseload

The Office of the Public Guardian received 104 referrals during FY 1989, 11 of which were deemed to need the services of the Public Guardian as a guardian. It was determined that the remaining 93 referrals during FY 1989 were not in need of guardianship to resolve their problems and were served by utilizing the resources of other state and private agencies.

There was a decrease in the number of referrals in both areas during FY 1989 as compared with the previous year. The number of guardianships was 11 in FY 1989 as compared with 16 in FY 1988 while the 93 new investigations during FY 1989 was just less than the 94 new investigations in FY 1988. These decreases resulted in a 5.5% decrease in total referrals from 110 in FY 1988 to 104 in FY 1989.

Interior of Courthouse, Wilmington, Delaware

FISCAL YEAR 1989 PUBLIC GUARDIAN – CASELOAD BREAKDOWNS

	Pending 6/30/88	New Referrals	Cases Closed	Pending 6/30/89	Change In Pending	% Change In Pending
Guardianships	60	11	7	64	+ 4	+ 6.7%
Investigations	9	93	87	15	+ 6	+ 66.7%
TOTALS	69	104	94	79	+ 10	+ 14.5%

COMPARISON – FISCAL YEARS 1988-1989 PUBLIC GUARDIAN – CASELOAD

NEW REFERRALS

	1988	1989	Change	% Change
Guardianships	16	11	– 5	– 45.5%
Investigations	94	93	– 1	– 1.1%
TOTALS	110	104	– 6	– 5.5%

COMPARISON – FISCAL YEARS 1988-1989 PUBLIC GUARDIAN – CASELOAD

CASES CLOSED

	1988	1989	Change	% Change
Guardianships	12	7	– 5	– 41.7%
Investigations	97	87	– 10	– 10.3%
TOTALS	109	94	– 15	– 13.8%

Source: Office of the Public Guardian

Judicial Agencies and Bodies

Foster Care Review Board

Legal Authorization

The Foster Care Review Board is authorized by 31 *Del. C.*, C. 38.

Purpose

The mission of the Foster Care Review Board is to provide and administer a volunteer-based citizen Review Board, which acts as an independent monitoring system charged with identification and periodic review of all children in placement throughout the State of Delaware. Periodic reviews of children in out-of-home placement are conducted to ensure that continuing efforts are being made to obtain permanent homes for children; to provide stability in the lives of children who must be removed from their homes; to make the needs of a child for physical, mental, and emotional growth the determining factors in permanency planning; and to ensure that foster care remains a temporary status consistent with a child's sense of time.

Periodic reviews for children in out-of-home placement conducted by independent citizen review committees are assisting the State to comply with federal review requirements. The purpose of the Board's child review program is to monitor the case plans made for children and families involved in the State's out of home programs.

Geographic Organization

The Board is organized into 12 review committees, in order to conduct reviews of children. These 12 review committees meet twice a month at various locations — Wilmington, Dover, Milford and Georgetown.

The administrative office of the Board is located in Wilmington.

Personnel

Approximately 85 citizen volunteers comprised the Foster Care Review Board in Fiscal Year 1989. Board members are appointed by the Governor and serve terms of not more than three years. Not more than a simple majority of the Board may be members of either major political party. The Governor designates one member who serves at his pleasure as Chairman of the Board. The Board has an Executive Director who employs additional support personnel.

Performance

During FY 1989, the Board conducted 1,407 reviews of children in foster care. As of June 1989, the Board's inventory of children in placement identified 698 children; 447 from New Castle County, 108 from Kent County and 143 from Sussex County. The Board's volunteer based program generates over 10,000 volunteer hours annually.

Violent Crimes Compensation Board

Legal Authorization

The Violent Crimes Compensation Board is authorized by 11 *Delaware Code, Chapter* 90.

Purpose

It is the purpose of the Violent Crimes Compensation Board to "promote the public welfare by establishing a means of meeting the additional hardships imposed upon the innocent victims of certain violent crimes and the family and dependents of those victims". The Board may offer up to $20,000 in compensation to those who are victimized in the State of Delaware for crimes committed prior to July 1, 1989. Compensation in the amount of $25,000 may be offered for crimes occurring on or after July 1, 1989. The Board receives a 15% penalty assessment which, by law, is added onto every fine, penalty and forfeiture assessed by the courts. The Fund is also replenished through court ordered restitution and through federal assistance.

Geographic Organization

The Board is responsible for handling requests for compensation throughout the State of Delaware.

Hearings on these requests may be held anywhere in the State at the convenience of the victim, with the Administrative Office of the Board located in Wilmington.

Personnel

The Violent Crimes Compensation Board consists of five members: a chairwoman, a vice-chairman and three additional Board members. Each member is appointed by the Governor and must be approved by the Senate before serving on the Board. The term of each Board member is three years so long as no more than two Board members have their terms expire at the end of any given year. The Board must be composed of not more than three members of any single political party. The Board may appoint an Executive Secretary and other employees as needed up to a maximum of six at one time. The Board currently employs an Executive Secretary, an administrative officer, two claim investigators, one administrative secretary, and one senior secretary.

Caseload Trend

In Fiscal Year 1989, the Board received 253 applications for compensation. During this operational period a total of 315 claims were processed. The Board disbursed $896,680 to a total of 190 successful applicants. From FY 1975 through FY 1989, the Board has received 2,288 personal injuries/death benefits claim forms. Including reopened claims, a total of 2,611 applications have been processed since FY 1975 awarding approximately $5,211,893. Revenue receipts for FY 1989 include $1,222,309.86 from the 15% penalty assessment, $16,186.69 from court ordered restitution, $9,581.80 from interest paid by the New Castle County Prothonotary's Office and $4,212.06 from miscellaneous sources for a grand total of $1,252,291.41 at year's end.

Judicial Agencies and Bodies

Court on the Judiciary

Article IV, Section 37 of the *Constitution of the State of Delaware* created this Court, consisting of the Chief Justice and the Justices of the Supreme Court, the Chancellor of the Court of Chancery, and the President Judge of Superior Court.

Any judicial officer appointed by the Governor may be censured, removed or retired by the Court on the Judiciary for willful misconduct in office, willful and persistent failure to perform duties, commission of an offense involving moral turpitude after appointment or other misconduct in violation of the Canons of Judicial Ethics. A judicial officer may be retired because of permanent mental or physical disability interfering with the proper performance of his duties.

No censure, removal or retirement can be effective until the judicial officer has been served with written charges and has had the opportunity to be heard in accordance with due process of law.

The Court on the Judiciary has the power to:

(a) summon witnesses to appear and testify under oath and to compel production of other evidence, and

(b) adopt rules establishing procedures for the investigation and trial of a judicial officer.

Judicial Conference

Legal Authorization

The Judicial Conference is authorized by Supreme Court Rule 81.

Duties

The Judicial Conference studies the judicial business of the courts with a view towards improving the administration of justice in the State. The Conference also considers improvements in procedure, considers and recommends legislation, considers and implements the Canons of Judicial Ethics, holds symposia of Bench and Bar and reviews continuing judicial education programs.

Membership

The membership of the Conference includes the judges of the Supreme Court, Court of Chancery, Superior Court, Family Court, Court of Common Pleas and the Municipal Court of Wilmington as well as the Chief Magistrate of the Justice of the Peace Courts. The Chief Justice is presiding officer of the Conference. The Director of the Administrative Office of the Courts serves as secretary for the Conference. Scheduled meetings of the Conference are held on the first Wednesdays of December and June. Additional meetings may be called by the Chief Justice or by the senior Justice if he is absent.

Long Range Courts Planning Committee

The Long Range Courts Planning Committee was created by Chief Justice Daniel F. Wolcott on December 15, 1970. At that time, Chief Justice Wolcott appointed nine members to the Committee which was composed of seven judges from the various courts and two members of the Bar. The initial charge of the Committee was to consider "long range planning for the needs of the Courts".

Under the leadership of Chief Justice Daniel L. Herrmann, the Committee was reorganized with a broader charge in May, 1977. A formal "Statement of Purpose" was then adopted:

"The Long Range Courts Planning Committee shall be composed of judges, attorneys and court administrators. The purpose of the Committee is to provide an opportunity for the thoughtful formulation and active support of plans and programs for the improvement of the Delaware Court System which will enable it to better perform its task of administering justice in this State, and to undertake such other tasks as may be assigned to it by the Chief Justice. It is expected that this group will initiate new plans and programs, where appropriate, and will support plans and programs initiated by others, or initiated by this group in the past, which to this group appear worthy of such support. The group is intended not only to provide input from the standpoint of thoughtful ideas, but also to provide active and, where necessary, aggressive impetus at all levels of state government where support for the court system is needed and appropriate."

Today, the Committee is composed of twenty-six members including the two Co-chairmen, Justice Joseph T. Walsh and Victor F. Battaglia, Esquire. The membership includes judicial representatives from every court, and lawyers throughout the State. Working with the cooperation of the executive and legislative branches of government for the betterment of our court system, the accomplishments of the Committee to date have been significant. These include the enlargement of the Supreme Court, additional judges for the Court of Chancery and Superior Court, and the provision of adequate court facilities. The Committee played a vital role in helping to achieve judicial salary increases and continues to monitor national and regional salary levels to assure that adequate levels of judicial compensation continue to be provided.

The Committee is engaged in a continuing study of the jurisdiction of the component courts of the Delaware judicial system in order to promote efficiency and eliminate congestion. Court consolidation remains an area of special concern.

In recognition of the Committee's outstanding contribution to the administration of justice for 19 years, Chief Justice Andrew D. Christie views its role as essential to dealing with all important issues confronting the courts. The Chief Justice desires to keep the Committee vital and

Judicial Agencies and Bodies

Judicial Education Committee

The Delaware Supreme Court adopted the Mandatory Continuing Legal Education Rule for members of the Bar, including judges, effective January 1, 1987. On July 1, 1987, Chief Justice Andrew D. Christie appointed judges from each of the State courts and the Chief Magistrate to serve on the Judicial Education Committee to assist members of the judiciary in meeting that requirement.

In administering the funds provided by the General Assembly, the Committee plans in-state continuing judicial education programs at an annual seminar and also enables judges to travel out of state to pursue educational programs at the National Judicial College or to attend seminars offered by other prominent judicial education organizations. Justice Joseph T. Walsh has served as Chairman of the Judicial Education Committee since its inception. Other members of the Committee are Vice-Chancellor Carolyn Berger, Judge Henry duPont Ridgely, Judge Jay Paul James and Judge William C. Bradley, Jr. Guest lecturers and speakers at each seminar have included distinguished jurists, legal scholars and others having expert knowledge in matters of importance to the judicial function.

Criminal Justice Council

Legal Authorization

The Criminal Justice Council is authorized by 11 *Delaware Code*, Chapter 87.

Duties

The Council is charged with the continuous study of the administration of justice in the State, including the organization, procedure, practice, rules and methods of administration and operation of each and all of the courts of the State, whether of record or not of record. The Council collects and uses statistical and other information concerning the work of the courts and other criminal justice agencies and makes recommendations to the Governor, the General Assembly, the courts and/or the Bar. The Council allocates federal block grant funds to various agencies for the improvement of the state criminal justice system.

Membership

The 19 members of the Council are: the Chief Justice, the President Judge of Superior Court, the Chief Judge of Family Court, the Chief Magistrate, the Attorney General, the Public Defender, the Commissioner for the Department of Correction, the Chief of the Bureau of Adult Correction, the Director of the Division of Youth Rehabilitation, the Chairman of the Board of Parole, the Superintendent of the State Police, the Chiefs of Police for New Castle County and Wilmington, the Chairman of the Delaware Police Chiefs' Council, the Superintendent of Public Instruction and four (4) at-large members selected by the Governor.

The Board of Managers, Delaware Justice Information System

Legal Authorization

The Board of Managers, Delaware Justice Information System, is authorized by 11 *Delaware Code*, Chapter 86.

Duties

The Board is charged with the establishing of policy for the development, implementation and operation of comprehensive data systems in support of the agencies and courts of the criminal justice system of the State. Said data systems include, but are not limited to, criminal history record information with the respect to individuals who are arrested, or against whom formal criminal charges are preferred within this State, or against whom proceedings related to the adjudication of a juvenile as delinquent are instituted.

Membership

The Board is composed of fourteen members, nine of whom are voting members who represent the following agencies and courts: the Office of the Governor, the Division of State Police, the Delaware Police Chiefs Council, the Office of the Attorney General, the Office of the Public Defender, the Family Court, all other courts, the Division of Youth Rehabilitation Services and the Department of Correction. The non-voting members represent the following entities: the Senate, the House of Representatives, the State Bureau of Identification, the Office of Information Systems and the Criminal Justice Council.

Directory

SUPREME COURT

General Information: 736-4155

Judiciary
Chief Justice Andrew D. Christie
Justice Henry R. Horsey
Justice Andrew G.T. Moore, II
Justice Joseph T. Walsh
Justice Randy J. Holland

Court Administrator
Stephen D. Taylor

Clerk of the Court/Staff Attorney
Margaret L. Naylor, Esquire

COURT OF CHANCERY

General Information: 571-2440

Judiciary
Chancellor William T. Allen
Vice-Chancellor Maurice A. Hartnett, III
Vice-Chancellor Carolyn Berger
Vice-Chancellor Jack B. Jacobs
Vice-Chancellor William B. Chandler, III

Master in Chancery
Richard C. Kiger, Esquire

Registers in Chancery
New Castle County
John D. Kelly, III
Kent County
Loretta L. Wooten
Sussex County
Harvey F. Donovan, Sr

Registers of Wills
New Castle County
Joseph F. Flickinger, III
Kent County
Sandra W. Dean
Sussex County
Ronald B. Waller

SUPERIOR COURT

General Information: 571-2380

Judiciary
President Judge Albert J. Stiftel
Associate Judge Vincent A. Bifferato
Associate Judge Clarence W. Taylor
Associate Judge Bernard Balick
Resident Judge Joshua W. Martin, III
Associate Judge Vincent J. Poppiti
Associate Judge Richard S. Gebelein
Resident Judge Henry duPont Ridgely
Associate Judge John E. Babiarz, Jr.
Resident Judge William Swain Lee
Associate Judge Susan C. Del Pesco
Associate Judge Myron T. Steele
Associate Judge Norman A. Barron
Associate Judge Jerome O. Herlihy
Associate Judge T. Henley Graves

Asbestos Litigation Master
Charles T. Carr

Court Administrator
Thomas J. Ralston

Prothonotaries
New Castle County
Deborah H. Capano
Kent County
Emily G. Morris
Sussex County
Carrol W. Cordrey

FAMILY COURT

General Information: 571-2200

Judiciary
Chief Judge Robert D. Thompson
Associate Judge Roger D. Kelsey
Associate Judge Robert W. Wakefield
Associate Judge David P. Buckson
Associate Judge James J. Horgan
Associate Judge Jay Paul James
Associate Judge Karl J. Parrish
Associate Judge John T. Gallagher
Associate Judge Jay H. Conner
Associate Judge Charles K. Keil
Associate Judge Peggy L. Ableman
Associate Judge Battle R. Robinson
Associate Judge Kenneth M. Millman

Masters
D. Thomas Reardon, Chief Master
Mark Buckworth
John R. Carrow
Gary E. Grubb
Mary Ann Herlihy
Pamela Deeds Holloway
Andrew Horsey, Jr.
Frederick Kenney
Susan Paikin
Patricia Tate Stewert
H. Kemp Vye

Court Administrator
James T. Glessner

Directors of Operations
Randall K. Williams
James F. Truitt
Robert F. Stuart

COURT OF COMMON PLEAS

General Information: 571-2430

Judiciary
Chief Judge Robert H. Wahl
Judge Arthur F. DiSabatino
Judge Merrill C. Trader
Judge Paul E. Ellis
Judge William C. Bradley, Jr.

Court Administrator
Carole B. Kirshner

Clerks of the Court
New Castle County
Frederick Kirch
Kent County
Teresa Lindale
Sussex County
Doris Wilkins

MUNICIPAL COURT

General Information: 571-4530

Judiciary
Chief Judge Alfred Fraczkowski
Associate Judge Leonard L. Williams
Associate Judge Carl Goldstein

Clerk of the Court
T. Roger Barton

Directory

JUSTICE OF THE PEACE COURTS

General Information: 323-4530

JUDICIARY

Chief Magistrate William F. Richardson
Justice of the Peace David R. Anderson
Justice of the Peace Ernst M. Arndt
Justice of the Peace Margaret L. Barrett
Justice of the Peace Sheila A. Blakely
Justice of the Peace Richard L. Brandenburg
Justice of the Peace William W. Brittingham
Justice of the Peace Karen N. Bundek
Justice of the Peace Francis G. Charles
Justice of the Peace Ronald E. Cheeseman
Justice of the Peace Thomas E. Cole
Justice of the Peace Richard D. Comly
Justice of the Peace Edward G. Davis
Justice of the Peace Frederick W. Dewey, Jr.
Justice of the Peace Walter J. Godwin
Justice of the Peace Jeffrey W. Hague
Justice of the Peace Robert F. Handy
Justice of the Peace William J. Hopkins, Jr.
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